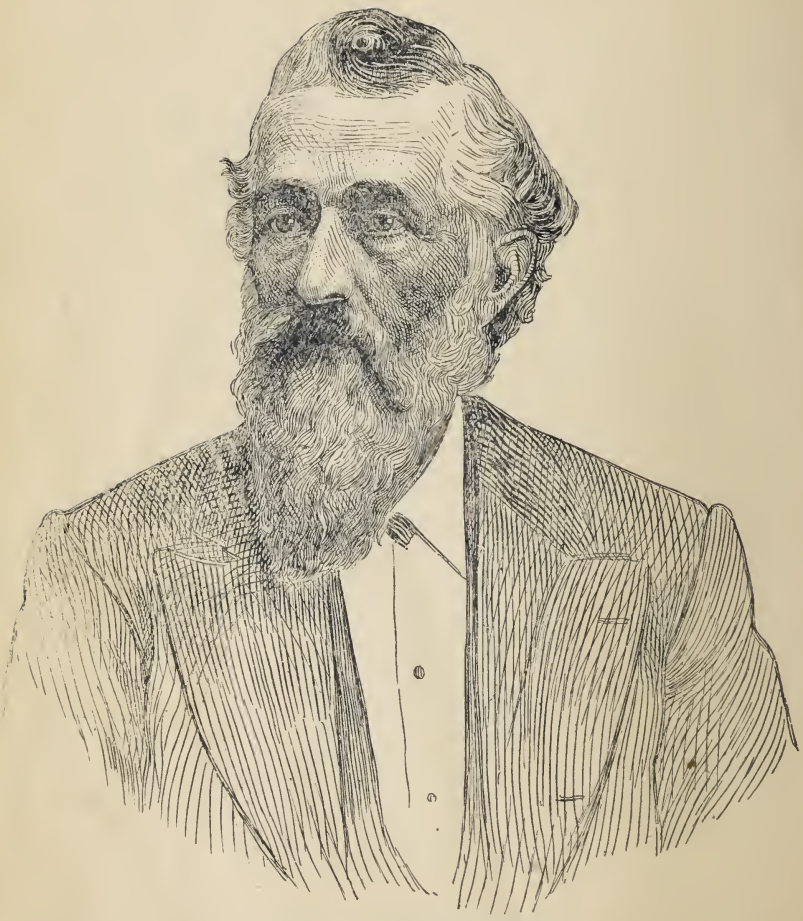
His Ten Wives.



APOSTLE LORENZO SNOW.

HIS TEN WIVES.

THE

TRAVELS, TRIAL AND CONVICTION

OF THE

MORMON APOSTLE, LORENZO SNOW.

FROM

NAUVOO TO THE PENITENTIARY.

FROM THE RECORD.

BUTTE, MONTANA:
M. KOCH, PUBLISHER.
1887.

PREFACE.

In the following pages there is only an endeavor to narrate a plain unexaggerated story, every word of which is founded on well authenticated facts and judicial records. The Compiler makes no claim for it as a novel; he merely states the fact that such a state of affairs exists in this Western World where it is the popular boast that Liberty, Civilization and Christianity find their home.

The reader will find as he progresses with the narrative that each statement of a fact is based upon reliable and trustworthy authority, either of Court record or other equally reliable witnesses. Wherever the records could be reached, the writer has availed himself of them.

It is especially desired that no word shall be construed in this book to be an intentional personal slur, or abuse of the chief character, Lorenzo Snow. So far as the writer knows, he personally may be a good man—of him, representatively, the book treats, as it has a right to do.

The writer was a careful observer of the "Great Trial" from beginning to conviction. He had free access to the records of the Court wherein Snow was convicted, and has honestly used them in these pages. For the courtesy of Court Officers, Attorneys in the case and persons who are not in the succeeding chapters, he acknowledges his indebtedness, and with the hope and belief that his labors herein will give information to his fellow countrymen, and to others whose homes are beyond the borders of this Nation, and that the information, will to some extent, aid the Government and the people at large in providing a full and complete remedy for the curse to society and the family—Polygamy—that to-day afflicts Utah and others of the American Territories, and at this most trying hour arouse both Government and people to the great danger that is now threatening and menacing Liberty and Law, by the practical subordination of Civil Government to Church creed and Priestcraft among the Mormons, he launches this little volume upon the tide of popular inspection for approval.

THE AUTHOR.

CHAPTER I.

EARLY DAYS OF JOSEPH SMITH.

ABOUT sixty years ago there dwelt in the little town of Manchester, near Palmyra, New York, an old man named Smith. He had for his wife a woman of the lowest type of humanity, who was incapable of telling anything as it might have happened. She hesitated at no falsehood or exaggeration, and believed in, or pretended to believe in, charms, ghosts, fortune tellings, signs, omens and mysteries. She was wholly without moral character, as hosts of witnesses now alive will testify, and those recently deceased have left evidence of.

Old man Smith was a well digger. His wife undertook jobs of washing about the village, told fortunes, pilfered such articles as she had opportunity to pilfer and was, although densely ignorant and vile, an institution among her class.

Old man Smith had several sons and daughters; one of the sons was named Joseph. He was born and spent his childhood in Vermont. This son was wholly under the evil influence of his mother, who taught him to believe in all the superstitions she believed in, to trust in all the signs, omens, etc., that she trusted in and from his childhood she impressed him with the idea he was to be God's Prophet and work out great things in the world. This son Joseph soon exhibited aptness in all the tricks, notions and beliefs of the mother and became, even in early childhood, silent, morose, mysterious and given to strange stories of supernatural beings and visits.

Personally Joseph, in a sort of a way, followed the trade of his father. During his early childhood and youth "Joe," as he was commonly called by the people of the neighborhood, was a shiftless, lazy sort of fellow, seldom working, unless upon some occasion when he could get plenty of "wiskey or cider" and do very little labor. But he was always ready to tell some wild story of miraculous character, and no matter how often cornered in a falsehood, would "face the lie through." This he had learned from his mother. In short, Joe was then known, and is, by the old people of his native village and vicinity to-day spoken of as one who, did he live to-day, would be considered a sort of "boy crank."

One day, while old man Smith was digging a well, Joe espied a curious rock or stone, shaped somewhat like a small human foot. He seized it at

once, and in a short time some of his supernatural visitors—for he had not then advanced sufficiently in his career to dignify them as heavenly, God-ordered visitors—told him the stone he had been led to find by their agency, was a "seer" or "peek" stone, by looking into which he should be able to divine great things. Joe was now fifteen years old. He then experimented under the guidance of his unseen advisers, and soon it became noised through the village and vicinity that by looking into this "peek" stone, Joe Smith—the son of the fortune-telling, omen-believing, pilfering, chronic deceiver and vulgar washerwoman of whom we have first written—could work wonders.

It became more and more generally reported among the low and superstitious classes—the witch-believers of the period—that by the "peek" stone Joe could see things that were hidden from ordinary mortals, and could tell all about things that were beyond the knowledge of those about him.

Did a neighbor lose an article of property, a short consultation with Joe and his magic "peek" stone was sure to reveal its whereabouts; and it may be easily inferred that the profits he reaped from this use of the wonderful stone were by no means unwelcome in the Smith family. Some gossips, it is true, did not hesitate to declare that when the Smith family's exchequer ran low, or became empty, an accommodating member of the household would about midnight or some other mysterious, ghostly hour, visit a neighbor's premises and carry off a set of harness, perhaps some apparel from the clothes-line, and put them in place of hiding. But an application to Joe and his "peek" stone, accompanied by a fee of a few paltry dollars, never failed to reveal the whereabouts of the pilfered article, and to secure its safe return. So it appears that Joe, even when only a "Cheap John" sort of a "seer" and prophet, had that eye to business that characterized him and his followers in after life.

But be this story as it may, it is certain that about the year 1830 Joe suddenly assumed a most serious manner, going about alone with downcast eye and saddened face, muttering almost inaudibly strange and curious words, remaining away in seclusion and only appearing in the company of the ignorant, the superstitious and gullible villagers when he had some remarkable vision or revelation to tell of. At such times he would assume a strange air, and the wondering rustics ranged around him.

About this time Joe announced that he had direct communication with heaven and Jehovah. Under the assurances that vast sums of gold, jewels and precious things were buried in the hills, around the little village of Manchester, near Palmyra, Joe soon impressed upon the minds of the simple and ignorant class about him that the claims he set up were true. Then began his reign. He would gather about him old man Smith, his

father, his brothers and the bummer element of the village and in the darkness of night go forth to the hills around Manchester. Silence unbroken was enjoined. Joe would wave a slender switch which he broke from the hazel tree as a magic wand, and bearing before him the inspired "peek" stone, move at the head of his raga-muffins to the hills where all the wealth, of which God had sent a special messenger in the form of an angel to tell him, lay buried. Arrived at the hill, strange ceremonies were gone through with; weird rites were performed, and each one enjoined to keep the silence of the grave. Then the spades were struck into the ground, and when after hours had passed in silent labor and the box of buried treasure was about to be uncovered, some excited member of Joe's brigade would speak and lo! the box and the gold and the precious stones were spirited away, and work would be suspended until another night.

This mode of proceeding went on for, perhaps, eight years. In the meantime Joe and his fanatical followers had dug upon those hills until the surface for acres round about was honey-combed with holes. But so for as heard from there is no record that the buried gold and treasures were ever brought forth.

Steadfast and persevering was Joe Smith. Cheeky, too, he was. With these traits and the constant urging of his witch-believing mother, he kept on in this "calling," that he had now assured the simple people for great distances around he had received from God.

One day, after an unusually long absence, Joe came silently into his father's house, took up a hearthstone and deposited beneath it something that looked like a little box, which he had brought bundled in an old blanket or bedspread. His movements were sly, silent and mysterious. When he had buried it he turned away without a word. No one interrupted him, and no one spoke. The mother, only, presently broke forth in some of her weird chants.

About twenty years before the time when Joe began to dictate the actions of the people of his neighborhood under, as he claimed, ehtorder of God, there lived in Ashtabula County, Ohio, having left his native State, Vermont, one of those coughing, asthmatic preachers so often found in the Eastern States, whose health compels them to give up the "good work." His name was Solomon Spaulding. In Vermont he wrote poetry and fanciful books, like Joaquin Miller and other jackleg poets and novelists. Spaulding wrote a story after the style of the Bible. He called it "The Manuscript Found," and in it he maintained the theory that the great mounds then found about the United States and which have been greatly increased by discoveries since that time, were evidences of the former existence of a people, who, although then extinct, were surely much more advanced and enlightened than the

ordinary American Indians. Spaulding, subsequent to the completion of his story—a sort of a parody upon the Bible—removed to the smoke-wrapped town of Pittsburg, Pennsylvania, taking the manuscript of his story along. After getting to Pittsburg Spaulding arranged to have the manuscript "set up" and the story published by a man named Patterson, who had a printing office in that town. But for some unexplained cause, the printer gave up the job, possibly for lack of the forthcoming of funds, and the manuscript was returned to its author. In about two or three years after the return of the manuscript, Spaulding, the ex-preacher and owner of the manuscript, died.

Some years before this time, indeed as far back as about 1828, before Joe had become well trained for his work by the "Angel of the Lord," a man named Sidney Rigdon—another of the strange personages who seemed to have been so interested in Joe Smith that they left earthly and heavenly homes to visit and talk with him—called and asked to stop awhile in Joe's cabin. Rigdon was also an ex-preacher. He had been a Campbellite parson in Mentor, Ohio. [This little town is now interesting because the martyred Garfield lived there, and near there repose his bones to-day with the soldiers of the Nation guarding the casket and the tears of the Nation watering his grave.]

After this the blacksliding Rigdon turned school-master for a time. The conference he had with Joe Smith was long, secret and significant in its results, as will be seen as the reader follows this story.

CHAPTER II.

COURT AND PROSECUTOR—ARREST OF LORENZO SNOW.

THE fall term of Court for the First Judicial District of Utah began November 17, 1885. The Presiding Judge was Orlando W. Powers. Judge Powers is about 35 years of age. He is by birth a New Yorker. He left the State of his birth in 1873, and settled in Kalamazoo, Michigan. In the beginning of the stern battle of life he was not rich, except in the possession of those rare elements that nature gives to those men whom she has marked for great deeds and high renown. Judge Powers had no host of friends, but among those he did possess were industry, brains, courage, and an exalted ambition. He had graduated at the Michigan Law School with honor, and soon won the confidence, esteem and patronage of the people of his adopted home. In April, 1885, he was selected by the President of the United State to be Associate Justice of the Utah Supreme Court, and assigned to the First Judicial District, within which, at Ogden City and Provo, he was to hold his Courts. The field to which he was called was uninviting. It was here that he—a stranger—was to witness the great crimes, or at least hear the stories of the great crimes that have made Utah a stench in the nostrils of civilized Nations, and a putrid excrescence upon the body politic of the great Republic. How he has met, grasped and performed the task imposed upon him this true story will in part tell.

The Representative of the Government as Prosecutor in the Ogden Vic.Court was Bierbower, Esq., whom the District Attorney for Utah, W. H. Dickson, selected as Assistant in the Autumn of 1885. Mr. Bierbower is a Pennsylvanian. At a somewhat early day he located in Nebraska, with Sidney, of Cowboy notoriety and Buffalo Bill fame, as his headquarters. "Vic," as his friends call him, was popular with the "broadbrims" of the cattle ranges and was chosen to represent them in the Legislature, and also elected District Attorney in the Fifth Judicial District of Nebraska.

With a full complement of worthy Court Officers, but a community of which eight-tenths hated him as they would any loyal American officer, Judge Powers began his official career in Utah.

On the 19th day of November, 1885, a complaint was filed before United States Commissioner T. J. Black, and a warrant issued thereon was given

to United States Marshal Oscar Vandercook to execute. The charge was that Lorenzo Snow, in Box Elder County, Utah Territory, did, in certain years, unlawfully live and cohabit with more than one woman at the same time as his wife. It was filed under an act of Congress to suppress polygamy and unlawful cohabitation, now generally known as the "Edmunds Law," which was enacted in 1882. A number of witnesses were named at the time the warrant for Snow was issued and these the officers were directed to subpœna and have, with Snow, before the Commissioner on the day named in the warrant, to testify as to the charge. Duputy Marshal Vandercook called to his assistance five officers.

At an hour after midnight these officers silently left Ogden in several conveyances and drove to Brigham City, where "Apostle" Snow with his society of followers and sworn adherents lived. Here he had builded his stronghold; here he had his "co-operative store"—a gigantic establishment for the reception of grinding taxes and tithes from the deluded people, drawn from them under pretense of a divine order, and used to enrich the Priesthood and to pay for murders and blood atonings and to bribe such scoundrelly United States officers in Utah and Washington as were approachable, and to meet the expenses incurred in defense and management of Saints for the perpetuation of Priest rule, Polygamy and other Mormon infamies. Here too, surrounded by the stolen gains of years of sinful rule, he had established his harem. It consisted of several houses with convenient surroundings and peopled with the women whom his lust had taken in their youth, despoiled of their precious virtue and used as concubines; throwing upon the world a flock of illegitimate children—future Saints and Saintesses. All these things in the name of God, who has commanded "Thou shalt not commit adultery; thou shalt not steal; thou shalt not bear false witness; thou shalt not covet thy neighbor's wife, nor anything that is his; thou shalt do no murder; and woe unto you, Scribes, Pharisees and Hypocrites, woe unto you, Fornicators, Liars and Blasphemers."

It must be borne in mind that in Utah every Mormon is oathbound and a slave, except the "President" of the Church and a few of his Associate "Officers." Every Mormon is a spy for the Priesthood. Every woman a ready and willing victim to the brutish passion of such a man as shall prove himself devoted to the infamous doctrines and purposes of the Priesthood, and who will pass through the ordeal of secret rites and ceremonies required by those mountebanks in the Endowment House at the initiation of sinners to Sainthood.

Surrounded by such people as these, the finding and arrest of the leaders charged with crime is by no means a light or easy undertaking. It was because of this state of things in Utah that Deputy Marshal Vander-

cook took several assistants and rode to Snow's stronghold under cover of night. His purpose was to arrive there unbeknown to Snow or his pickets and spies. And yet with all this precaution the "old man" had become aware of the expedition and when the officer knocked at the door of the house where he was known to live the greater portion of his time when in Brigham City, the woman "Minnie"—formerly Jensen and latest of his "Saintly Darlings"—after some delay, appeared at the door and with hands and eyes up-lifted to God, swore that Lorenzo Snow had been absent from the house and Brigham City for months and was then she knew not where.

But the United States officers knew full well that no dependence could be placed upon the assurances of those who are so well trained in crime, in sin, in treason and falsehood, and who are wedded to such service by bonds and ties whose monstrous enormity none but the non-fanatical appreciate and habituated to dissemble, evade and falsify when one of the "Church" people and interests are at stake; and to swear falsely, if need be, to shield the one or the other for which the forgiveness of God was always plentifully at hand, ready-made—politely stepped inside the house and searched it from cellar to garret. That search was in vain. No "Apostle" could be found, nor, indeed, did they find even a trace of his recent presence there. With polite explanations of their duty under the warrant to intrude upon a woman's private rooms, they bid Minnie good-bye and started off. But the whining and movements of a dog that was tied near the house attracted notice. Deputy Marshal Vandercook noted the intentness with which the dog looked into a sort of cellar window or opening for air and light. The parties returned to the inside of the house and again began to search. Presently the carpet under an Angora goat skin was noticed. It was not tacked down. It was at once removed. A trap door was found and lifted. Down into an underground passage went the officer. Another trap door was discovered. This led into a sort of cave or dugout, about 4x8 feet. Rapping upon this door the officer called: "Snow! Come out! It is just as well. I know you are there. Come forth, or I batter down the door!" "All right; I will come out!" came from the recess of the dugout, and in a moment, lo! the great Apostle of God stood before the loyal men of the Government. He was informed that he was under arrest and heard the reading of the warrant. He replied by asserting his belief that they "could not make out a case against him," and then asked the boys to take a drink!

The remainder of this stage of the proceedings can be briefly told. Snow was taken along with the inmates of his harem, to Ogden. He waived examination before Commissioner Black, and was bailed. D. H. Perry, Mayor of Ogden, and H. S. Young, of a Mormon Bank, became sureties for his appearance to answer any indictment that the Grand

Jury, soon to be called together, might return against him. His women were recognized to appear as witnesses before the same "inquisitorial board," as the Mormon press called the Grand Jury, and the curtain was rung down on another act of this life drama.

CHAPTER III.

SNOW IN THE HANDS OF THE LAW—INDICTED.

THE news of the arrest of an Apostle of God, the sacrilege of seizing a Prophet, a Seer and man who had confidential and personal relations with Jehovah, as well as with the inmates of his harem and the dupes of his Church, spread like a prairie fire. Secret meetings were held; spies enjoined to be active; special prayers were said; tithes poured in rapidly. Mormon newspapers opened their wrathful batteries of threats, abuse, treason and libel, while Elders, Deacons, Priests and laymen vowed vengeance upon the Gentile "beasts" who dared to desecrate the soil on which God's Holy Apostle and his faded, worn-out and now barren women "companions" had trod. And yet amid it all the reader will see that the Court and its officers stood firm.

As the opening day of the Court of the First Judicial District, to be held at Ogden, approached, public interest ran high, and public opinion and gossip grew angry and excited. The tone of popular sentiment was tempered on the one side by the well settled hope and belief that the great combination of the Mormons would be successfully assailed. The Mormons waxed warmer, and more angry and threatening on the other hand, under the pulpit and ward meeting harangues of their head men, which, brimful of treason, disloyalty and fanaticism as they were, were scattered broadcast over the Territory by the enslaved press of the Church.

The looked for 17th day of November, 1883, arrived. The town was unusually filled with bustle and strangers. Jurors, Grand Jurors, witnesses and parties litigant, numerous as they were, made up but a fraction of the throng who moved along the streets, congregated in public houses, and gathered in little groups, here and there, busily engaged in low and earnest conversation. In five minutes after the doors of the Court-room were thrown open, every seat and every standing space was taken, and the vacant places in aisles and passages filled to a jam, while the hall outside the Court-room was packed its entire length. All knew that numbers of all sorts of criminal and civil cases were to be taken up and passed upon, and all knew that an "Apostle" of God had been dragged, with his harem-people, into that room, and was yet under bonds to answer what accusation the Grand Jury, who were that morning to be selected and organized, might prefer against him.

Whispers grew loud as the minute hands of the clock moved on slowly, oh, how slowly! as if delighting in the torment of suspense.

Denser and denser grew the crowd of anxious spectators; closer and closer they packed themselves, all eager and anxious to know who would be Grand Jurors and what the Judge would say in his charge.

It must not be forgotten that the "Judicial Mills" had just begun to "grind slowly," and upon this day's proceedings depended, to a great extent, the problem of how small they would grind.

Precisely at 10 o'clock Judge Powers took his seat. Bailiff O. S. Bridges—an old soldier of the Union—called order, and a hush like that of a tomb fell upon the vast throng. Every officer of the Court was in his place. Every resident Attorney and many from adjoining States and Territories took seats with their brethren. Upon making the proper return the officer was directed to call the Grand Jury. It was done, and after the usual examination of each the following names were selected and accepted, and will go down through the years that are to come as the men selected by a hostile Government to persecute God's chosen people, to harass and outrage their "inspired" Prophet and Apostle and trample upon and desecrate the holy principles, revelations and commands of the great Ruler of the world. These are the immortal fifteen. Immortal in infamous memory in the eye of the Mormon fanatics; immortal in the esteem of true Americans and loyal men throughout the world because they knew their duty and amid such surroundings never faltered in its performance.

John W. McNutt, native of Virginia; Foreman, O. E. Hill, of California; Clerk, David Thornborn, Nevada; L. B. Stephens, Ohio; A. Peterson, Denmark; J. S. Lewis, Tennessee; S. S. Schranim, Ohio; W. M. Chapman, Illinois; G. G. Griffiths, Ohio; C. B. Payson, Michigan; John B. Hopkins, New York; H. C. Wadleigh, California; J. R. Crendall, Michigan; F. A. Shields, England, and Isaac Rabel, a Hebrew.

These men were all representative business men who ha lived in Utah for periods ranging from three to twenty years. Each man answered to his name, took the prescribed oath and the panel resumed their seats.

At this moment the hush that pervaded the Court-room was that of the chamber of death. It was caused by Judge Powers' charge and was as follows:

CHAPTER IV.

CHARGE OF JUDGE POWERS TO THE GRAND JURY.

GENTLEMEN of the Grand Jury: It is my duty to charge you specifically, to make due and diligent inquiry, whether the laws of our country, relative to Polygamy and unlawful cohabitation, are being infringed in the District. I therefore charge you to investigate this matter. For years the laws relative to the marriage relation have been set at defiance in this Territory. This is a fact of such common notoriety, that the Court is bound to take Judicial knowledge of it. But this state of affairs cannot be allowed longer to exist. The Government is in earnest. The laws of the land must be enforced, and guilty parties taught that if they continue in their evil course, they must pay the penalty. People must learn that the law can no more be violated with impunity in Utah, than it can be in the States. They must understand that the great moral sentiment of the Nation is opposed to plural marriage. The sooner they learn the lesson, they must learn, sooner or later, that the law must be obeyed, and that Utah is a portion of the United States, the better it will be for all. It is strange that any will pursue the path that the people of this Territory seem determined to take. Here, amid these Mountains, Nature's own great treasure vaults, enclosing Valleys so fertile that they need only to be "tickled with the hoe in the Spring time to laugh with the harvest in Autumn," could be framed an intelligent, enterprising State. Some day this will be done, but it will not be until our people learn to love their country, learn to obey its laws, and learn to reverence that great institution of civilization, the home, with its wife and mother, revered and honored by the husband and father. The laws relative to marriage relations, which the Court expects your aid in enforcing, are just laws, and are constitutional laws. As was said by the Supreme Court of the United States, "no Legislation can be supposed more wholesome and necessary in the founding of a free, self-governing commonwealth, fit to take rank among the co-ordinate States of the Union, than that which seeks to establish it upon the basis of the idea of the family, as consisting in and springing from the union for life of one man and one woman in the holy estate of matrimony, the sure foundation of all that is stable and noble in our civilization; the best guaranty of that reverent morality which is the source of all beneficent progress in social and political improvement."

The crime of Bigamy, or Polygamy, consists in entering into a Bigamous or Polygamous marriage. The offense is complete when any person who has a husband or wife living marries another. It is also complete when any man simultaneously, or on the same day, marries more than one woman. This, however, does not apply to any person by reason of any former marriage, whose husband or wife by such marriage has been absent for five successive years and is believed by such persons to be dead, nor to any person by reason of any former marriage which shall have been dissolved by a valid decree of a competent Court, on the ground of nullity of marriage contract.

In this Territory there is no law regulating marriage. No form of ceremony is required, and no record of marriage is kept. Marriage is left as it was at common law. There need be no witness present. If the parties are competent to contract, all that is essential is a present agreement. The marriage is complete when there is a full, free and mutual consent of parties capable of contracting. Proof that parties have treated each other as husband and wife, have lived together as such, and have held each other out to the world as such, is sufficient to enable a Court or Jury to find that at some previous time the parties did, as a fact, consent to be married, and as a fact agree to be husband and wife. The mode of life, the holding out, the declarations or admissions of the accused, and the like, are circumstantial evidence from which the fact of marriage may be inferred.

The offense of cohabitation is complete when a man, to all outward appearances, is living or associating with more than one woman as his wife. To constitute the offense, it is not necessary that it be shown that the parties indulge in sexual intercourse. The intention of the law-making power, in enacting the law against cohabitation and Polygamy, was to protect Monogamous marriage by prohibiting all other marriage, whether evidenced by a ceremony, or by conduct and circumstances alone.

An indictment may be found against a man guilty of cohabitation, for every day, or other distinct interval of time, during which he offends. Each day that a man cohabits with more than one woman, as I have defined the word "cohabit," is a distinct and separate violation of the law, and is liable to punishment for each separate offense. A Grand Jury is vested with very large discretion in limiting the time within which a series of acts may be alleged as constituting a single offense. Com. v. Robinson, 120 Mass., 262.

I also charge you, that if you should find that a man is guilty of cohabiting with two or more women, one of whom resides in this District and the other in some other District in this Territory, you should indict him; for the offense is deemed by the law to be completed and commit-

ted here. The Statute of the United States says, "where an offense against the United States is begun in one Judicial District and completed in another, it shall be deemed to have been committed in either, and may be dealt with, inquired of, tried, determined, and punished in either District, in the same manner as if it had been actually and wholly committed therein." Rev. St. U. S. 731.

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Now, gentlemen, the Court expects you to do your whole duty. Bear constantly in mind your oath, that you will "diligently inquire into and true indictments make of all public offenses against the United States and the people of this Territory committed or triable within this District of which you shall have legal evidence. That you will indict no person through malice, hatred, or ill will, nor leave any unindicted through fear, favor, affection, or for any reward or the promise or hope thereof; but in all your indictments you will state the truth, the whole truth and nothing but the truth, according to the best of your skill and understanding." You will now retire and enter upon your labors.

The delivery of the charge which was full and directory upon every possible question within the jurisdiction of the Grand Jury, was listened to with the most marked attention by all within the Court-room. The voice of the Judge rang out clear as a bell. His articulation was excellent and his manner and emphasis impressive. He spoke as the earnest man speaks. He impressed the listener with the belief that he was on that bench fully appreciative of the responsibility resting upon him. Full master of the great problem presented to the Government he sat there to represent, yet so kindly was his bearing, so regretful were his tones that at times one almost felt that the stern determination of the Judge, to see the law upheld, would melt into the pity of the man for the persons who were daily and hourly violating that law. Never was there a more perfect instance of a Court blending the suaviter in modo, and the fortiter in verbo.

Upon the conclusion of the charge, the Grand Jurors were given into the care of Bailiff O. S. Bridges and retired to their Council Chamber for organization and work. There for many weeks they were laboring for the good of society, for the purging of a great community cursed with many, many criminals, and executing the plan adopted by the law to shield a good citizen from the consequences of the misdeeds of bad citizens.

When this work was finished—the event of the day—the Court proceeded with the routine duty and the great concourse of spectators left the hall. There were solemn faces on every hand. The "charge" was canvassed pro and con. The great majority, being Polygamist in fact, or Mormons, who are Polygamists in faith, denounced Justice Pow-

ers as a Jeffries, a cruel, inhuman monster, a vile persecutor of religion and Godly people, and then began the scheming and planning to compass his defeat in the United States Senate, when the President should send his name to that high body for confirmation. A scheming and planning that, unhappily for the country at large, yea, for civilization everywhere, was not foiled, by reason of unusual and most despicable means in men, money, vilification and perjury.

CHAPTER V.

THE MAN WITH TEN WIVES INDICTED.

SOON after their retirement the Grand Jury returned into the Court three indictments charging Lorenzo Snow with violations of the United States Law—the Statute popularly known as the "Edmunds Law." These indicements were pretty much identical, except that the offenses were laid in three different years, viz. 1883, 1884 and 1885. The following is a copy of the indictment:

UNITED STATES OF AMERICA,
AGAINST
LORENZO SNOW.

The Grand Jurors of the United States of America, within and for the District aforesaid, in the Territory aforesaid, being duly empaneled and sworn, on their oaths do find and present that Lorenzo Snow, late of said District, in the Territory aforesaid, heretofore, to-wit: On the first day of January, in the year of our Lord one thousand eight hundred and eight-five, at the County of Box Elder, in the said District, Territory aforesaid, and within the Jurisdiction of this Court, and on divers others days and times thereafter, and continuously between said first day of January, A. D. 1885, and the first day of December, A. D, 1885, did then and there unlawfully live and cohabit with more than one woman, to-wit: With Adeline Snow, Sarah Snow, Harriet Snow, Eleanor Snow, Mary H. Snow, Phœbe W. Snow, and Minnie Jensen Snow, and during all the periods aforesaid, at the County aforesaid, he, the said Lorenzo Snow, did unlawfully claim, live and cohabit with all of said women as his wives, against the form of the Statute of said United States in such case made and provided, and against the peace and dignity of the same.

V. BIERBOWER,
Asst. U. S. District Attorney.

J. W. MCNUTT,
Foreman of Grand Jury.

CHAPTER VI.

PEN PICTURE OF THE COURT AND SURROUNDINGS.

THE accused "Apostle" in due time appeared in Court with a vast array of Counsel, and pleaded "not guilty." A day was fixed for hearing that was acceptable to all parties and on Wednesday December 30th, 1885, under the charge relating to 1885, Snow's trial began.

The writer of these pages had been selected by the proprietor of the newspaper, of whose editorial staff he was that time a member, to attend and carefully note every step in these proceedings. This was done for the two reasons, that under the existing state of public anxiety and hate, it was right, just and politic that the exact truth should be made public, and because this trial of one of the most prominent, accomplished, influential, wealthy and powerful men in this Anti-American Organization, known as the Church of Jesus Christ of Latter-day-Saints, was by all odds the most significant and important trial ever held in Utah Territory. It was in fact a trial of the supremacy of law over license; of the power to convict one who was high in the Counsels of those who have erected, and to-day maintain in the heart of the United States, a Church Government of Priests to which they subordinate the laws of the American Congress, made in pursuance of the American Constitution, and adjudicated and prononnced valid by that august tribunal—The Supreme Court of the United States! This is the problem presented in Utah to-day, and this is the evil which the statesmanship of the country is called upon to wipe out and to destroy!

The scene presented in the Court-room and adjacent offices when the "Hear ye; Hear ye," of Bailiff Bridges announced the opening of Court on Wednesday morning, was one whose memory will go with each person there to his grave. It is as fresh to-day as then, and will often, no doubt, in after years be told around the winter fireside by the children of to-day; for it must be borne in mind that the interest in that investigation was not confined to any especial class or age or sex—the aged, the young, the hale and the infirm were represented, and it is more than probable that hereafter, in the evening of their lives, the boys and girls of to-day who attended this trial of Apostle Snow, looking down the broad vista of youthful years, will relate its scenes and incidents to their

families, while each step and happening will serve as a link—a well remembered link to unite that present with this past.

In his cushioned chair sat Justice Powers—pale, peaceful, calm and intellectual in appearance. On his left was District Clerk A. C. Emerson, young, handsome, competent and obliging. On his right sat A. H. Winne, official stenographer of the Court, quick as lightning, accurate, skilful, bright and, off duty, the prince of good fellows. Upon a row of chairs along the left wall were Weber County officials, Sheriff Belknap, and others, all Mormons, good officers and friends and sympathizers with the accused "Holy Man of God." Immediately in front of the Court sat Assistant District Attorney Vic. Bierbower, the sole Representative of the United States Government in the capacity of Counsel; near him were clustered the company of Counsel who were there to fight the great Church Leader's battle—these were Franklin S. Richards, Esq., a petted son of a Mormon Apostle to whom every opportunity for accomplishment by study, schooling and travel had been afforded, and to whom his father looked with pride and possibly the hope that ere long he, too, would be a high dignitary in the Church Counsels of "God's chosen people"—Messrs. Bennett, Harkness & Kirkpatrick, a prominent firm of Salt Lake City Attorneys; Hon. Rufus K. Williams, of Ogden, Ex-Chief Justice of Kentucky, and in his earlier years a personal friend of the martyred Lincoln, and Messrs. Rollopp and Richards, rising young attorneys of Ogden and personal, political and religious sympathisers with the "Apostle" whom they had come to defend. It was a grand array of legal talent, with at least one more than ordinary orator in its ranks.

Just to the right front and within the bar were the twelve seats that were soon to be occupied by the men who were to decide upon the guilt or innocence of the defendant; while at their immediate right was a table for the representatives of the local and distant press. All other seats within the bar were taken by attorneys not engaged in the "great trial." At the door, opening on the left to the United States Marshal's office, Deputy Oscar Vandercook stood—erect as a soldier, silent as the sphynx, prompt, reliable, safe, sure and ever-ready, this officer, surrounded by Deputies Steel and Perkins, able, willing and reliable associates, seemed the impersonation of calm courage, intelligent action and gentlemanly bearing. But the picture that first caught and held the eye of everyone was that just in the rear of the attorneys—it was Lorenzo Snow and his seven living wives and a baby, in its mother's arms! It was "Minnie's" baby. These seven were Adeline, Sarah, Harriet, Eleanor, Mary H., Phœbe W., and Minnie Jensen Snow. Had not death laid his cold hand upon them and borne them away to the land of silence, there would have been three other "wives" gathered about this "Man of God!" A glance at the "seven" prepared one for the fearful

story soon to be told by each one from the witness-stand. Some were old and enfeebled,—the cast-aside, useless, used-to-be companions of the grayhaired man who sat in their midst. Others were younger in years and appearance, but on the faces of all, the observer readily detected a picture of sadness and sorrow and on a majority, a look of abject apathy, of hopes blasted, of love long dried up and withered and deeply settled despair. In their midst sat an aged man. Tall, well proportioned, graceful and easy of manner notwithstanding his age, with a finely shaped head, about which clustered luxurious locks of steel-gray wavy hair, a fine face, betokening intelligence and quickness of mind, a sensual mouth, a somewhat prominent nose, and eyes as bright as stars, that glittered like diamonds in lamplight, and in their expression mingled jollity rather than care and cunning rather than force. That man was Apostle Snow!

CHAPTER VII.

"WE ARE READY" RESPONDED THE COUNSEL ON BOTH SIDES.

AT the call of the case, "we are ready" came in response from prosecution and defense.

"Call a Jury" said the Court, and then began the work of selecting the twelve who should decide the old man's fate. Contrary to general expectation little difficulty was encountered and soon both parties intimated the acceptance of the twelve men before them, and here are the names of the Jurors who tried Snow:

D. H. Spencer, Foreman; A. J. Stone, Adam Kuhn, Alexander T. Bowman, George Bune, E. W. Smout, John Keck, Benjamin Garr, Frank Carson, Thomas Grant (a Mormon) Joseph Smith and Frederick Foy. To this panel the oath was administered, they took their seats and calm as a master in a storm, Judge Powers said: "Call your witnesses."

The testimony which has been carefully examined by the writer from the record, was in every possible material point as follows:

The defendant by his Counsel admitted before the Court and Jury that he had been married to all the women named in the indictment; the last marriage being in 1871, and that he never was divorced from either; and ever since the respective marriages has claimed each of said women as his wife, but he did not admit that he had cohabited with more than one of them during any part of the time charged in the indictment.

Harriet Snow, a witness sworn for the prosecution, testified:

"My name is Harriet Snow. I was married to Lorenzo Snow in Nauvoo in 1846, and I have never been divorced from him."

Q.—"How long have you lived together?"

Objected to by the Defendant's Counsel, on the ground that the question should be confined to the year 1885, as there were in this Court two other separate indictments, found at the same time as the one upon which the defendant is now on trial, one for cohabiting with the same women during 1884, and one for cohabiting with the same women during 1883, and that the Court had previously held that such separate indictments might be found; and Counsel offered to produce these indictments in evidence in support of the objection, if the Court should be of the opinion that Judicial notice of them could not be taken.

The Court ruled that it would take Judicial notice of the other indictments covering 1883 and 1884, and of the prior rulings of the Court in respect to them, and overruled the objection, holding in substance that the relations between the women named in the indictment and defendant, prior to 1885, might be shown for the purpose of throwing light upon their conduct during the time named in the indictment.

The defendant by Counsel excepted to the ruling.

The Court also announced that evidence of this kind might be deemed taken under defendant's objection and exception, without repeating the objection.

Witness.—"I am not living with Mr. Snow as husband and wife. I have in former days. I don't know as I could tell how long we lived together. We ceased living together long before the Edmunds Law was passed. I can't tell how long before. I haven't the dates. My maiden name was Squire. I have three living children by the marriage. I am now living in my own house, and am mistress of it and preside there. I am not living alone; I have a step-son residing with me. His mother died and left him to me, and I raised him from a child. I have been living this way by myself a good many years. I lived so before the brick house was built. The order of the marriages is: first, Adeline, who is one of two ladies he married at the same time; Charlotte, the other one, is dead; then comes Sarah, then myself, then Eleanor, then Mary, then Phœbe, and the last is Minnie. There was one more, Caroline, who is dead. Mr. Snow lived in one wing of the old homestead before he moved to the brick house, and Minnie lived with him. The old homestead has four wings, and before the removal Sarah, Eleanor, myself and Minnie lived there. There is a roof on each wing, but they are owned by separate individuals. It was one large house with four wings. Mr. Snow did not live with me, he lived with Minnie in one wing of the house. I was married to Mr. Snow forty years ago this month, and he is the father of my children, and I am not a widow lady. I live in my own house; he provided it for me, and arranged where I might draw my support, and it has always been so and continued up to December, 1885. He has visited me a few times at my house in 1885, sometimes for a few minutes, to inquire about the children and ask about their welfare. I could not tell how often, but he visits me."

Q.—"What difference, if any, is there in your relations between yourself and Mr. Snow from the 1st of January to the 1st of December, 1885, and your relations with him six years ago?"

Objected to by defendant. Objection overruled and defendant excepted.

A.—"A good deal of deal of difference; in my younger days I lived with him as a wife and raised him children. Now I am an old lady, and I do

not consider the relations that were binding on me in my younger days are so now, and I do not live with him in the same way."

Q.—"The only difference then between your past mode of living and the present is in not being so much in his company."

A.—"I stated that there was a good deal of difference. He does not live with me now, not in the same house. He has not dined with me in 1885; he has his own place to board. I think I stated before the Grand Jury that he had dined with me in 1885, but when I come to examine I find he was not there at the time supposed, but was absent. I might have stated before the Grand Jury that he had not dined with me unless he was invited, and I have not invited him there this year. He has been away a good deal in 1885, a good part of the year. I think he went some time in May and returned about fall. I did not see him until after he was taken. I think he was away most of the time. I have no recollection of him introducing me as his wife during the past year. I was in the Marshal's office about the 21st day of November, 1885, with other ladies, waiting to be called before the United States Commiesioner at the examination. Mr. Snow introduced me to Brother Peery, and he said: 'Harriet, this is Brother Peery,' and I shook hands with him. That is all I could hear of it. I did not understand that he introduced me as his wife. My attention was called to this matter in the Grand Jury room."

Q.—"State how you testified before the Grand Jury?"

A.—"I did not state that he introduced me as his wife—if I did I did not understand it. I said he introduced Brother Peery to me, but as to the form I knew nothing further."

Cross-examined:

"Since the 1st of January, 1885, I have lived on the same block which Mr. Snow lives on, on Main Street; I live on one corner and he lives on the opposite corner. Frank Snow lives with me, he is the son of Caroline, who is dead. I occupy five rooms in the wing I live in. Mr. Snow has no room in the house, and he does not occupy any room there. He has not eaten there during this year. He has come to the house a very few times, it has been so long I could not give the number, but not very often. He sometimes came to see Frank on business. Frank has sometimes been in the Probate office, and he is engaged in merchandizing now. He would stay just a few minutes, and sit down for half a minute or half an hour maybe. I cannot state the number of times he came in 1885. He has not been in my house since last Spring, and he was not in more than two or three times in 1885, during the eleven months. I always found Minnie at the brick house, when I went. No mail matter directed to him comes to my house, and none of his business papers come there. His office is in the brick house."

Q.—"During the time from January 1st to December 1st, 1885, has

there been any sexual relations between you and Mr. Snow?"

Objected to by the Prosecuting Attorney. Objection sustained and defendant excepted.

"The house I live in is not a brick house, it is an adobe house. Frank Snow is in his twenty-ninth year. The length of the calls defendant made were from five, ten or fifteen minutes to half an hour. They were in the daytime, and he has not passed a night in the house."

Re-direct examination:

"I think Mr. Snow is seventy-two years old next April. I do not visit Minnie's house very often. Minnie's house is centrally located in town, it stands right across from the big Co-op. store. When he called to see me he did not visit anyone else in the house that I know of. No one lives under the same roof with him except Minnie and the hired girl."

CHAPTER VIII.

THE STORY OF THREE MORE OF THE VICTIMS OF LUST.

MARY Snow, called for the prosecution, testified:

"My name is Mary Snow; my husband is Lorenzo Snow, and I was married in 1857. I live in my own house opposite the Tabernacle in Brigham City, by myself. I have so lived eleven years or more. Previous to that time I lived in the old homestead for many years, and Sarah, Harriet and Eleanor lived there. At that time, Mr. Snow lived there. I have children by that marriage. From 1857, up to about eleven years ago I lived there. The difference in the relationship between me and my husband then and now is, I live by myself entirely alone. He calls on me as any other gentleman friend. He has called to see my family during the past year four or five times. I believe he has been absent some time during the year. There is a great deal of difference between our relations the past year and eleven years ago. I am living alone now."

Q.—"Is not that the only difference? Is it not true that he has not called as much as he used to, and is not that the only difference?"

A.—"He does not call so much for the reason that he has been away from town. He does not visit me as much as he did a number of years ago."

Q.—"Then the reason that he visits you less has been because he has been away a great portion of the year?"

A.—"Yes, I guess so. He has been away the last year."

Cross-examined:

"The property I occupy is not on the same block with the brick house. It is about two and a half blocks distant. I think he has called four or five times in 1885. He called to see the family, and stayed from half a minute to half an hour perhaps. The visits were in the daytime. He has not passed a night in my house, and there is no room kept for him there. None of his mail matter or business papers came to my house."

Counsel for defendant here stated to the Court that they desired to ask this witness, and each of the women named in the indictment who should be called, the question propounded to the first witness as to whether any sexual relations existed between the defendant and witness in 1885, for the purpose of saving the question. The Court declined to permit the question on the ground that the Supreme Courts of Utah and of

the United States had held it immaterial, but stated that defendant should have the benefit of the exception in the record, as fully as if the question had been asked of each witness. Objected to, the objection sustained, exception taken by the defendant.

Witness.—"I think the defendant has not eaten in my house in the year 1885."

Re-direct:

"In these visits and in all our intercourse we recognized each other as a husband and wife just as much to-day as ever."

Eleanor Snow, called for the prosecution, testified:

"My husband is Lorenzo Snow, and I was married to him about thirty-five years ago, in Nauvoo. I have children. I reside in the old homestead in company with Harriet and Sarah. Mary lives alone, and Adeline lives about three blocks to half a mile from our place. Phœbe lives in different compartments of the same house with Adeline. I have been living where I do now about twenty years, I guess. Mr. Snow lives across the block, and has lived there about four years, I guess. Previous to that he lived in the old homestead, in the same house with me and Sarah and Harriet. Adeline and Phœbe moved, I don't remember how long since. We have not all lived in one house since, there were so many of us. In 1885, Mr. Snow, has called to see me for a few minutes no more than two or three times. He has been away a good deal of the time, as near as I can fix it seven months. Before he went away, he called merely for a few minutes. In his intercourse with me I do not know what relationship he exhibited toward me. It is not as husband and wife; I live by myself. I guess I recognized him as my husband and he me as a wife during 1885, I don't know. The difference in our relationship the past year and formerly is, he does not live at my place. I guess the only difference is that he is not in my company so much; you understand. He has not dined with me during the past year. Previous to that he had dined and visited with me once in a while. When he dined with me, it was with me and my children unless there was company that had been invited, as company to these family gatherings. Mr. Snow occupies the position as head of the family, and occupies the head of the table when he is there. He does that at any of his friends or neighbors, they all put him at the head of the table."

Cross-examined:

"I have three children living with me, their ages are 22, 19 and 15 years. I occupy six rooms. There is no room kept for Mr. Snow, none of his mail or business papers come to the house. I think he has called about three times during this year, but he has not dined there. He would stop from ten to fifteen minutes. I live in what is called the old homestead. He called at the house to enquire about the children

and folks, and would stay from ten to fifteen minutes. Sometimes he would sit down, but he is generally in a hurry. He has not passed a night in the house or slept there."

Sarah Snow, called for the prosecution, testified:

"I am the wife of Lorenzo Snow, and have been married nearly forty years, and I have grown children. I live at the old homestead on Main Street, in company with Harriet and Eleanor, and we live by ourselves with our children. I have been living there nearly thirty years. Five years ago Minnie lived in one wing of the old homestead, and Mr. Snow lived with Minnie part of the time and boarded with her. Up to the time Minnie came there to live he boarded with me, about ten years ago. I lived with him from the time I was married up to about ten years ago, then I had a place by myself. I have never been divorced. He has not introduced me as his wife for the last ten years as I can remember, but there has been no less the relation of husband and wife. He has supported me, and our social intercourse is friendly. He calls now occasionally."

Q.—"What difference, if any, is there in the relation between you and your husband the past year, and the relations of ten years ago?"

A.—"Well, about the same, only he has not seen me, has not called. I have been away myself."

Q.—"State if he calls less frequently each year as he grows older."

A.—"Yes, sir."

Q.—"State if it is not the only difference in your relations in living that he does not call to see you as often as he did formerly?"

A.—"Well, sometimes he calls and sometimes he don't call."

"I do not see him as much as I did five years ago, for he lived right there five years ago. He does not visit me as much as he did when he boarded with me. Five years ago he lived right there next door. I recollect being here at the preliminary examination and being introduced to Brother Peery. I cannot say how it was done. I sat in the Marshal's office but I did not notice how. I could not state to save my life."

Cross-examined:

"I occupy, with my family, ten or twelve rooms. I have five children in all, two living at home with me, the youngest 22 and the other 29. I live in the old homestead. When Mr. Snow goes home he passes by the door, that is one way to go through the lot. He has been in my house in 1885, perhaps two or three times. I went away in the Spring, and he has been away six or seven months. I went to Salt Lake in the Spring. I believe the second of April, I think he has called perhaps two or three times. He would remain perhaps half an hour. He might have stayed an hour. It would be during the day, I could not state the time. He

has not remained or been there during the night and never slept in the house since he moved to the brick house. There is no room kept for him. None of his business papers or mail comes to the house. When he would come at the times I have mentioned in 1885, he would generally be busy with Alviras, my son, who is 22 years old and engaged at the Co-op. The Co-op. is under the management of the defendant. He generally would be busy with Alviras. Sometimes his calls of late were principally with Alviras. He would enquire how we were getting along, if we were getting along all right. He has not eaten in my house during the year 1885."

CHAPTER IX.

"MINNIE THE FAVORITE" TELLS HER STORY UNBLUSHINGLY.

MINNIE Snow, called for the prosecution, testified:

"I was married to Lorenzo Snow, in June, 1871, and I have four children, the oldest is ten years, and the youngest is three months. I live in the brick house, in Brigham City, Box Elder County, Utah Territory. My husband, Lorenzo Snow, my children and my hired girl live with me. Mr. Snow has lived with me during the past year when he has been at home. He has been absent I think, about seven months. He went away about May and returned the middle of November. I suppose he had been living there in November about a week when he was arrested in the house. I have lived with him since I was married. Previous to the present residence, we lived in the old homestead, and my husband lived with me, that is all. It is one house with different apartments. The ladies that have been mentioned lived in the other compartments, they owned other portions of the house. I lived in the old homestead, the same as I live now. There is no difference in the relations between me and my husband ten years ago and now."

Cross-examined:

"During 1885, when Mr. Snow has been in the city, he has taken his meals at my house, and slept there, and has not been absent any night unless he was absent from town. He has taken his meals at the brick house with me and my family. He has an office in the brick house where I live. No other person occupies the brick house except myself and family; me, Mr. Snow, the children and hired girl. All his mail matter and business papers come to the house; the brick house. He made his home with me at that house when he was in town, exclusively. When he goes to Church, it is from my home. I know all the ladies who have testified. They are his wives. When he has been away from home they were always at home, and I saw them almost daily. He did not go to the houses of any of these others that I am aware of."

Re-direct:

"When he is in town, I know that he always sleeps at my house. I do not know where he sleeps when he is not in town. I have never seen anyone go to Church with him but me. I have never seen him go with any of the other wives. I have seen him with the other wives, but oth-

ers have been with them on the streets; never alone. I have not seen him at the houses of the other wives in 1885, and he has not been there, so far as I know. He could not have been at either of the other houses all night, because I have charge of his bedroom, and I know he is always present at night when he is in town. I think he is seventy-two years old. He has not to my knowledge publicly claimed the other women as his wives. He has never spoken to me of them as his wives, to my knowledge. Certainly they are his wives, and it was so understood in the family during the past year."

Re-cross-examined:

"I have charge of his clothing and the preparation he makes when he leaves town. He usually takes the train and I take him to the depot."

Dr. J. B. Carrington, a witness for the prosecution, testified:

"I reside, and have, during 1885, resided in Brigham City, and I am somewhat acquainted with Lorenzo Snow. I am acquainted with a portion of his wives. I know some of them. I am not the family physician, but have been called into the family. I have known Mr. Snow about two years, and have seen him frequently during the past year; saw him in Brigham City and at the Co-op. store. I suppose Adeline lives in what is called the Cotton Thomas house. In 1885, I saw defendant in company with Sarah. I think I have seen him out riding with Sarah and Minnie. I took it to be Aunt Sarah I saw in the carriage. There was some one else with him but I could not see who. I know Minnie, but I do not think it was she. I think Aunt Harriet was in the carriage."

Q.—"State, if in 1885, you heard defendant preach in the Tabernacle, on the subject of plural marriage?"

Objected to by defendant. Objection overruled and defendant excepted.

A.—"I think I have."

This witness also stated that in February or March, 1885, he saw defendant and Sarah sitting together, in the theatre, in the part of the house usually occupied by the Snow family, and that he supposed they were there in company.

Cross-examination:

"I have seen him in the brick in 1885. The house where Aunt Sarah lives is called the old homestead, and is a large house with several wings, nearly on the corner of the block. In 1885, I did not see him in any of the houses, but saw him go in through the gate in front of the old homestead, and come out through the gate several times, but did not see him go into the house. I have seen him in the yard and saw him go in and come out of the gate probably three or four times. I do not know what made him go through that gate. I think it was in March that I saw him out riding with Sarah and Harriet. I know them and can rec-

MINNIE, THE PREFERRED, AND HER CHILD.

ognize them here. I saw him once in the theatre with Sarah, in the evening some time in February. I did not see him go in. He was inside when I saw him. I don't recollect seeing any other lady with him except Sarah. I saw him go away, and when the people left he and she got up and went out, and I thought they went out together. They did not lock arms, but appeared to go out together."

Mrs. Lorenzo Snow, Jr., a witness for the prosecution, testified:

"I know defendant, who has been mentioned as the Apostle, and I know these ladies as his wives. I am the wife of Lorenzo Snow, Jr., and he is a son of Apostle Snow. I live in Brigham City, two blocks south of the Co-op. in a house with my husband. I visit around among these ladies, but not much in 1885. The defendant has been away during the year. It was about Spring when he left, and he has been home probably about two weeks this winter. He had been away six or seven months. I have not met him anywhere in 1885. I have seen him at my house, nowhere else, and I met him at my house the fore-part of the year. I have met him during the past ten years at the house of some of these ladies—frequently at my sister Minnie's, and I think I have seen him within the past few years at Sarah Snow's. I have not seen him within the past few years at either of the other houses."

[The Court here directed all the testimony of this witness relating to prior years to be stricken out.]

John F. Olson, a witness for the prosecution, testified:

"I live in Brigham City, and work for Brother Lorenzo Snow—milk cows, chop wood, etc. I live in my own house. I carry flour, coal, etc., to the houses of the wives, and supplies generally. Mr. Snow stays at the brick house. I have seen him walking to the big adobe house. He does not live there. Saw him go up to the adobe house last Spring. He went away in March. I may have seen him walking to the adobe house twice. I don't know where he went. He went up to the house. The ladies have driven out themselves and he told me to drive them out. Two went riding together. Sometimes they drive themselves, and sometimes I drive.

Cross-examined:

"I don't know that I have seen Mr. Snow go into the adobe house in 1885. I cannot remember that. I saw him go there in 1884 three times."

Franklin H. Snow, a witness for the prosecution, testified:

"I live in Brigham City, in the old homestead. I know Lorenzo Snow, and I suppose he lives at the brick house most of the time. I cannot say where he lives the rest of the time; he is generally off on business a good deal, and I cannot say where he lives when he is away from the brick house. I have seen him at the big house. He only sleeps at the brick house. I have seen him at the old homestead this year. I have seen him at

my mother's, Harriet Snow's once or twice early in the Spring, but not since he returned in the Fall. It might have been eight months ago, something like that. He called and remained a short time. I haven't seen him there but two or three times at the most the past year. Sarah and Eleanor also lived in the old homestead. I have not seen him call on either of them the past year. I can't be positive, but I think I seen him going to the meeting house with mother. In going to the meeting house he sometimes rides and sometimes walks. I have not seen him with either of the wives this year. I was in the Marshal's office waiting to be examined as a witness at the examination before the Commissioner, and remember an introduction to Mr. Peery. Defendant introduced Harriet and Sarah as his wives to Mr. Peery, while I was waiting to be called as a witness, about the 21st of November, 1885."

Cross-examined:

"The words of the introduction were, 'Mr. Peery, this is my wife Harriet.' 'Mr. Peery, this is my wife Sarah.' Saw him at my mother's two or three times at the outside in 1885. One occasion was when there was a sociable there, and a number of people present. This is one of the occasions I referred to in my direct testimony. I have no distinct recollection in regard to any other occasion. He just called in, sometimes to see me on business or something of that sort. I am at present engaged merchandizing, and he has called at the house sometimes to see about that. I have known him to call at other times than the evening the crowd was there. I know he did not stay there all night. I have not, in 1885, seen him driving with any wife except Minnie, who lives in the brick house. The old homestead is sixty or seventy yards from the brick house. In going from the brick house to the Tabernacle or business part of the town, he sometimes goes right through the lot to the front gate, but mostly through the old homestead, and then at other times goes around the block. This gate is right on the road in front of the old homestead about the center of the building, in front, on the street. In going to the Tabernacle, and that part of the town from the brick house, the ordinary way is through that gate and past the adobe house. The gate is about twenty feet from the house. It was quite common to go in and out of that gate on his way from the brick house."

David H. Peery, a witness for the prosecution, testified:

"I know the defendant, and was introduced to two of his wives in the Marshal's office. I do not remember the form of the introduction. We shook hands. He always spoke of these ladies as his wives, and I thought he had three or four, but have since learned there are seven. I understand that from him. Ogden, where the preliminary examination was held, is about twenty miles from Brigham City."

Miss Emma Josephson, a witness for the prosecution, testified:

"I have lived in Brigham City ever since I can remember, until I came to Ogden last March. I lived in Brigham City with Mr. Keck, three blocks north of the Post Office, and before coming here in March I lived at Mr. Allen's. I know defendant and some of the women who appeared here as wives. I have worked for Harriet, Adeline and Sarah three years. I worked for Harriet a year ago last July. I have seen defendant in Brigham City in 1885, in a carriage with Minnie; I don't think at any other time. I have seen him pass the old homestead, but never in the house. I don't think I have seen him at any other place during the time you speak of. I last saw him at the old homestead sometime last winter, since the first of January. He was alone, going out through the gate, which is eight or ten yards from the house, and directly in front of it."

Cross-examined:

"This is a gate on the road to the brick house, and I have seen persons going in and coming out through that gate on the way to the brick house. The gate is on the street, and in going from the brick house to the south part of the town they go through that gate."

Lucius Snow, a witness for the prosecutin, testified:

"I am a son of Lorenzo Snow, and Harriet is my mother. I live about two miles north of Brigham City on the main road. I have seen defendant in Brigham City in 1885. I cannot remember that I have seen him anywhere except on the street. I heard him introduce my mother and Sarah to Mr. Peery, in the Marshal's office. They were subpœnaed here before the United States Commissioner. He said, 'Brother Peery, this is Sarah, my wife.' 'Brother Peery, this is Harriet, my wife."

CHAPTER X.

HOW THE UNITED STATES OFFICERS MADE THE ARREST.

OSCAR Vandercook, a witness for the prosecution, testified:

"I am a United States Deputy Marshal, and had charge of the party that arrested the defendant for unlawful cohabitation, on the 20th of November, 1885, in Brigham City, in his house in the central part of the city. There was a little trap door underneath the carpet, and under that door a little apartment, perhaps four feet high by eight feet square, and back of that there was another apartment, and it was in that we found him. Previous to finding him we called on him to give himself up. We had reason to believe he was there, and when we came to the door of the apartment where he was found, we asked him to come out, but he did not come until we called twice, and made preparations to break down the door as a last resort. I had made inquiries of Minnie Snow before discovering the trap door, as to whether he was there. We had previously made a thorough search of the house from garret to cellar, going through it room by room. I saw perhaps thirteen rooms. I think Minnie Snow was with us most of the time. She did not point out where he was. We noticed the carpet was ripped, and underneath it found this trap door. When I called to him to come out the second time, he said, 'All right, I am coming out;' and when he came out he says, 'That is all right, boys, you have done your duty, come and take a drink with me,' or something to that effect."

Cross-examined:

"This was in the brick house just opposite the Co-op."

C. J. Corey, a witness for the prosecution, testified:

This witness produced a diagram of the premises, and explained it to the Jury, showing in substance that the brick house is on the north end of the block, opposite the Co-op. store, and on an east and west street, passing along the north end of the block. The old homestead is on the east side of the same block, fronting east on a north and south street, and the Tabernacle is further south on the same street. The block was fenced around, some parts of it with a high stone wall about seven feet high. Between the brick house and the old homestead is a fence with a gate, and by passing through this gate persons can go from one house to the other without coming out on either street. Each house has a gate

in front, and to go from one house to the other by the street, one would pass around the northeast corner of the block. The witness also testified that a person standing either on the street in front of the brick house, or on the street in front of the old homestead, while he could see the house he was in front of could not see the ground between the houses on account of the outside and inside fences he described. Plat put in evidence.

Cross-examined:

"I made the diagram at our store in this city, where I live. It is made from recollection and is not drawn on any exact scale. I lived in Brigham City between seven and eight years and left there in February, 1883. I observed the premises last Spring, in March or April, in passing by. I took more notice of these places than of others."

The prosecution then rested.

CHAPTER XI.

FLIMSY TESTIMONY OF THE WITNESSES FOR THE DEFENSE.

SARAH Snow, a witness for defendant, testified:

"There is in Brigham City a Court House Hall used as a theatre. I have sometimes gone there, but only two or three times in the last two years. I did not go to the theatre in March or April, 1885, with Mr. Snow, or return from there in his company. I was in the theatre but I was at one end of the house and he at the other end. I am hard of hearing, and when I go, sit in a chair in the aisle in front of the stage. I have not sat back in the high seats with the family for two years. During the year 1885 I have not gone with defendant to the theatre or sat with him there. The stage is at one end of the building, and the seats where Mr. Snow sits are at the other end. From where I sit to where he sits is as far as across this Court-room. I do not remember of seeing Mr. Snow at the theatre in 1885. I do not remember of riding out with Mr. Snow and Harriet in February or March, 1885. I did not do so at any time in 1885. Olsen, the hired man, drives the carriage."

Cross-examined:

"I did not sit with the family in the theatre. The family sit on the high seats in the back part of the house and the stage is at the other end. I believe the family sit in chairs, and no one else sits in those high seats —all the family sits there, they have seats reserved. This row of seats is reserved for the Apostle's family. I haven't attended the theatre but once in 1885. I cannot tell who was there at that time. I take my seat and do not see the others. Mr. Snow hardly ever attends the theatre now. I have not seen him there in 1885. The ladies and their children occupy the seats reserved for the family."

Re-direct:

"There are high seats for all the people that are willing to pay for reserving them—the higher seats are higher priced and lots others occupy the chairs beside the family."

Re-cross-examination:

"The family, which includes the wives and children, usually occupy these chairs."

P. F. Madison, a witness for defendant, testified:

"I have lived in Brigham City over twenty-five years; I am at present Probate Judge of Box Elder County, and I have been Recorder of Deeds.

My office is in the Court House. I live one block north of the brick house and in going to the Court House I passed within half the width of a street of the brick house. In going to the Court House I pass on East and West Streets in front of the brick house, and at the corner of the block come to Main Street which runs north and south, and often pass south down this street in front of the old homestead. I have known Mr. Snow ever since I went to Brigham City. I have business connections with him and see him quite frequently; sometimes call to see him at the brick house, since he moved his residence there; I find him there when he is in town. I know where the old homestead, and the two other houses, one of which is known as the Cotton Thomas house are; I have never found him at any of these other houses in 1885—no other house than the brick house. I cannot say how frequently I have called, but my business was such that I had occasion to call more frequently than most people. I could not say whether it would be once a week or once in two weeks. I have not found him at any of these houses except the brick house in 1885, and have not gone to any of the other houses to find him there. I ought to be acquainted with the premises for I have been right around them for twenty-five years. I have here a plat, a rough draft, not drawn on any exact scales, but I can show you the situation approximately." The witness here explained with the plat the situation of the premises. The location of the brick house and homestead on the plat did not differ materially from that given by the witness Corey. The witness explained that there is a path from the gate in front of the old homestead leading north of that house, and also one leading around the south and west sides of the building and these paths unite northwesterly of the building, and thence run northerly through a gate to the brick house; that in going to or coming from the southerly part of town, to and from the brick house, the way by this gate and path was about half a block nearer than to go around by the streets, and was quite commonly taken.

The defendant here put in deeds from the defendant to each of the wives named in the indictment, dated in 1874, and some recorded in that year, but most of them recorded in 1882, though all bore an endorsement in the handwriting of the Recorder in 1874 (since deceased) that they were filed for record in 1874. The witness identified the premises conveyed to each, as the premises occupied by each for several years, and the deeds showed that the old homestead was conveyed by wings in parts to those who had severally occupied the parts conveyed. The witness also testified that on the north side of the brick house the street fence was a picket fence; that on the front of the old homestead the old wall had been torn down to within two feet of the ground and a picket fence put on top of it. That other parts of the wall built many years ago had

partly fallen down, and that from the street in front of the brick house a person going from one house to the other could be seen in both lots.

Cross-examined :

"I am a stockholder with defendant in the Co-op. store and in the Grist Mill. Before defendant moved to the brick house he lived in the old homestead. There is a stone wall between the brick house premises and the old homestead premises, also on the west side of the block as far as the stable. These women are reputed to be his wives in Brigham City."

Re-direct :

"The repute in Brigham City is, that he has only lived with one wife since he moved to the brick house."

H. E. Bowring, a witness for the defense, testified:

"I have lived in Brigham City nearly nine years, and I know defendant and live about two blocks from him. I pass by the brick house and adobe house generally five or six times every day. My place of business is on the northeast corner of the same block. When defendant is in town I see him every day and sometimes two or three times a day. Sometimes see him with friends in the house, and in summer out on the lawn, sometimes in the Co-op. store and out on the street, but more frequently in the house—in the brick house. I have not seen him at the old homestead in 1885. I have not seen him at the house where Adeline or Phœbe live in 1885. I think I have been at the brick house four or five times in 1885, and found defendant there."

Cross-examined:

"I think Mr. Snow has been absent the greater part of the time in 1885. It was early in the summer when he went away and I did not see him again until November. He is superintendent of the Co-op. store, and has some interest in the grist mill, and is one of the Apostles of the Church. He has an office in the brick house. In 1885, Sarah, Eleanor and Harriet lived in the old homestead, and they were reputed to be Mr. Snow's wives, 1885, in Brigham City."

Re-direct:

"There are no reputes that he lived with these women, but to the contrary."

Re-cross-examination:

"The general repute is they are his wives and he supports them, but does not live with them."

No further or other evidence was given.

CHAPTER XII.

THIS ended the testimony. It was now early afternoon of the last day of the dying year, 1885. A silence deep and oppressive for a few moments settled on the scene. It was broken by the Court, who enquired as to the order of addresses of counsel, warned the officers to enforce perfect order in the court room, reminded the vast concourse of spectators that the continued courtesy of the Court, permitting them to be present in such crowds in aisles, passage and hallway, depended on their perfect decorum, and directed the argument to begin.

The prosecution opened amidst the most perfect order, with the following

SPEECH OF V. BIERBOWER,

Assistant United States District Attorney, delivered in a calm, dignified manner, and listened to with the most earnest attention by Court, counsel, accused, jurors and spectators:

May it please the court:

GENTLEMEN OF THE JURY:—I congratulate you upon the speedy termination of this important trial. It has fallen to your lot to sit in judgment upon what is universally regarded as the most important criminal trial ever conducted in Utah Territory. It is important, first, because of the exalted position of the defendant, being one of the Twelve Apostles of the Mormon Church, and second, because of the fact that this is the first trial, under what is known as the Edmunds Law, where the offense of Unlawful Cohabitation is segregated, that is, the time covered by this offence is divided. Instead, therefore, of one indictment covering the offense for a period of three years, I have three indictments against him, one for each year, and you are empanelled to try him for the offense covered by the year 1885. This indictment is drawn under the act of Congress of March 22nd, 1882, known here as the Edmunds Law, and charges substantially that Lorenzo Snow, at the County of Box Elder, in Utah Territory, on the first day of January, 1884, and on divers other days and continuously between said last named day and the thirty-first day of December of the same year, did unlawfully "live and cohabit" with Adeline Snow, Sarah Snow, Harriet Snow, Eleanor Snow, Mary H. Snow, Phœbe W. Snow and Minnie Jensen Snow as his wives. For the purposes of this case it is admitted in open Court that the defendant is married to the seven women named and that he has never been divorced, nor legally separated from either of them. It also appeared in evidence, and is not disputed, that Charlotte and Caroline, two other wives, are dead, and that one other, whose name the witnesses have obliterated, deserted him. It is also admitted that Adeline is his first wife and Minnie is the last, but by no means least, as will subse-

quently appear. It further appears undisputed that these seven wives all live in Brigham City, that Adeline and Phœbe live in what is called the Cotton Thomas house, that Sarah, Harriet and Eleanor live in the old homestead, that Mary lives alone and Minnie lives in what is called the Minnie Palace, being the new brick residence, which the defendant claims is his only home. It is also conceded that the defendant was married to these different women at periods ranging from 1845, at Nauvoo, Illinois, to 1873, in Utah; that he married two of them at one time; and that he lived in the same house, under the same roof and at the same table continuously with all of them, until about four years ago. It is admitted that he had a large family of children by each of these wives, and it is conceded that to-day he maintains and provides for all of these women as a husband provides for a household. The prosecution maintains, and offered evidence to prove, that there is no substantial change in the relationship of husband and wife between these parties since the passage of the Edmunds Law. We have offered evidence to show that the parties themselves consider their relations unchanged; that the defendant continues his regular visits to the various households; that he has gone out in public, both walking and riding, with different wives at different times; that he has visited friends at different times and with different wives; and that he introduced them to the public as his wives even up to the very day this trial began. These facts are virtually conceded upon both sides and we now pass from this to the disputed ground. The defendant claims that he is not amenable to the Edmunds Law, and that about four years ago, he changed his mode of life in such a way as exempted him from its provisions. He claims that about the time of the passage of this law he separated from his various wives; that he deeded over to them the respective properties upon which they severally reside; that he built a new house into which he moved with Minnie, the youngest wife, and that he has made this house his only home; that he gets his mail there and has his office there and that he "lives and cohabits" there and nowhere else. In the matter of general repute in the community as to whether they were man and wife, or more properly speaking man and wives, the evidence before you was conflicting—the Gentile witnesses maintaining they were reputed as man and wife and the Mormons maintaining the theory of separation. Here then we have an outline of the facts of this case as presented to you. Of course I have omitted many minor details which go to make up the entirety of this offence. Those details, with which you are familiar, added to this general outline, give you a full, free, fair and honest presentation of the case at bar. I now propose to leave this branch of the case temporarily and direct your attention for a few moments to the law under which this indictment was found and incidentally to a history of the law in this Territory relating to polygamy.

If a stranger to Utah should walk into this court room to-day and look upon this vast throng of people and observe the deep interest in this trial, he would naturally ask for an explanation. His attention would be called to this venerable defendant, now in his seventy-third year, surrounded with his seven wives, the oldest three-score and ten and the youngest less than thirty, bearing a two months old child in her arms, and he would be told this venerable man is now on trial for unlawful cohabitation—that is for living and cohabiting with more than one woman as his wife, in violation of a law of Congress. This naturally suggests other questions and other answers, and this brings me to a discus-

sion of the law and how it came to be upon the statutes. The primary object aimed at by the Edmunds Law, was the destruction of polygamy in the Territories. Polygamy was a crime at the common law. Bigamy, meaning two wives, and Polygamy, meaning many wives, are used synonymously, as distinguished from Monogamy, one wife. This crime of polygamy is made a capital crime in some, and punished very severely, in other parts of Europe. In France, however, the law merely makes the marriage unlawful without attaching any penalty. The Athenians at one time permitted polygamy, but it was not tolerated in ancient Greece. It was forbidden by the Romans and this prohibition was inserted in the Institutes of Justinian. It may be regarded as exclusively the feature of Asiatic and African manners and half civilized life and, among all civilized nations, is regarded as incompatible with civilization, refinement or domestic happiness. In the states it is punished by imprisonment in the penitentiary and in North Carolina, by the statutes of 1800, it was punishable with death. All law writers agree that it was prohibited at common law.

Many years ago in the United States a new religion was founded by Joseph Smith, He claimed certain revelations from God—among these revelations was one that his followers should practice polygamy. This church is called the Church of Jesus Christ of Latter Day Saints, or as we call it here in Utah, The Mormon Church. Its members increased with marvellous rapidity in Illinois and Missouri, from whence they were subsequently driven out by an infuriated people. In 1847 the Mormons concentrated their people and settled in Utah, which at that time belonged to Mexico. In Mexico, which inherited her laws from Spain, polygamy then as now was prohibited by law. In 1848 by the Guadalupe Hidalgo treaty, Utah was ceded to the United States and first came within its jurisdiction. In 1850 Congress organized the Territory of Utah and Section 17 of the Organic Act extended the common law over Utah Territory. The Supreme Court of this Territory in the first case that came before it, that of the People vs. Green in 1st Utah, p. 11, affirmed the doctrine that the common law was in force in this Territory. Now let us assume that the Mormons, driven from the States by an infuriated people, came to Utah in 1847 to practice polygamy as one of the cardinal doctrines of their church faith. If that be true, then they came into a foreign country which prohibited polygamy. The very next year, 1848, by a singular coincidence they came within the jurisdiction which the United States exercised over the Territories. In the Territories at that time the common law prevailed. That common law prohibited polygamy. Three years later, in 1850, the Organic Act creating Utah Territory emphasized and publicly proclaimed that the common law extended over Utah. From this review you will observe that there never has been a day, or even an hour, when polygamy was recognized in this country by law. But right here in this connection I call your attention to a matter of history. While we have no authentic information as to the exact time when the revelation concerning plural marriage was received from God, we do know, as a matter of history, that it was first promulgated on August 29th, 1852. This public promulgation, you will observe, was made two years after Congress, through the Organic Act, proclaimed that the common law extended over Utah, and by this means the world knew that the common law prohibited polygamy.

It is my purpose in this connection to show you how the Mormons fled from the law in the States only to bid defiance to that same law in the

Territories. The next legislation of Congress on the subject of polygamy was the act of July 1st, 1862. This was merely a reiteration of the common law, but a definite penalty was fixed for those who should violate the law. Here was a clear, distinct and unequivocal warning to the Mormons that polygamy was unlawful. To any other people such a warning was unnecessary. Although our country at that time was rocked by the throes and convulsions of civil war and all the energies of our people and of Congress were directed towards the preservation of the Nation from armed opposition, still, even under that pressing emergency, Congress turned from the Nation's battlefields long enough to pass an unmistakable law against polygamy. Even at that day this infamous polygamous cancer was slowly and insidiously eating its way into the vitals of the Nation; and all good people wished, and many believed, that the law of 1862 would put an end to its disgraceful encroachments.

I now direct your attention to another feature of this case. The Mormons have always contended, and still insist, that Congress has no right to pass any law which interferes with their religion. In support of this position they direct our attention to the Constitution of the United States which says "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." Here in Utah we have more constitutional lawyers to the square inch than any place on the globe. Every deacon, elder, teacher, bishop and apostle is a constitutional lawyer, and these teach their people constitutional law until the whole Mormon people have become a nation of constitutional lawyers. These people have heretofore insisted, and, strange as it may appear, thousands of them still insist, that the law prohibiting the practice of polygamy is unconstitutional, and in violation of the section which I first quoted to you. So firmly were many of the Mormon leaders convinced of this fact that they offered to help make up a case for the Supreme Court of the United States in order to test the matter. Here was a conflict going on for nearly thirty years between the people of the United States on the one side, insisting that polygamy was wrong and in violation of law, and the Mormons, on the other side, insisting that polygamy was part of their religion and they had a right to practice it. It is true the Supreme Court of the Territory had decided the law against the Mormons, but they were not satisfied and insisted that the Court of the last resort should pass upon the question. Accordingly the case of the United States vs. Reynolds, found in the 98th U. S. p. 145, was submitted to the Supreme Court of the United States. It fairly raised the one vital question in which all were interested. Mormons and Gentiles waited for that decision as a solution of the Mormon problem, and all believed that when once this hitherto vexed question should be finally settled, that Utah, clothed in the panoply of law, would march forward upon a career of uninterrupted progress. So in October 1878 the Supreme Court in the Reynolds case referred to, decided in language so plain that he who runs may read that—"A party's religious belief cannot be accepted as a justification for committing an overt act made criminal by the laws of the land." Here then we supposed the end was reached. The Court of last resort had spoken and all Utah looked forward in the vain hope of brighter and happier days. Two years later the same Court in the case of the United States vs. Miles, found in 103 U. S. p. 304, reaffirmed the Reynolds case, and then as these people entered upon the decade of 1880, out of this darkness and bon-

dage they could see, now that the law was so clearly settled, the light of Utah's millennium beginning to dawn on the horizon. But never before were a people doomed to a more bitter disappointment. The American people had a right to believe that the opinion of the Supreme Court in the Reynolds case would end polygamy in Utah and the other Territories. But scarcely had that opinion been promulgated among the Mormons, until they set to work deliberately and defiantly to evade it. That conflict, which many believed and all hoped had been virtually settled by that decision, was now to be continued. Heretofore the conflict had been open, defiant and courageous—now it was to be renewed on their part secretly, clandestinely and cowardly. True they continued openly their professions, but in secret and in silence put their professions into practice. The law of the land now stood in direct conflict with the law of the church. To obey one law was to disobey the other. Under the teaching of their leader they decided to obey the law of the church. In this condition of affairs the American people once more appealed to Congress to strengthen our laws and give power to our courts. Congress was evidently reluctant to pass harsh measures. That body doubtless remembered that less than a generation ago Utah was a wilderness; that hardy pioneers, although blinded by religious fanaticism, had braved the dangers of frontier life and made this wilderness to bloom and blossom like the rose. They realized the difficulties in the way of a peaceful solution of this vexed question. They realized the fact that here in these beautiful valleys a generation had grown up in the honest belief that polygamy was of divine origin—that all believed in it, most of them practiced it, that families had grown up under it and that the circle of its influence was constantly widening. Thus we find the situation of Utah in the spring of 1882, when Congress passed the Edmunds Law. A brief outline of this law, the last act of Congress relating to this subject, may not come amiss.

The first section prohibits bigamy and polygamy and provides a fine not exceeding $500, and imprisonment in the Penitentiary not exceeding five years for those who violate this law.

The third section prevents cohabitation with more than one woman and provides a penalty of not more than $300 fine, and imprisonment in the Penitentiary not more than six months. Under this section the defendant is now on trial—charged with unlawful cohabitation with his seven wives.

The fifth section provides that no one who believes in polygamy shall serve on juries in such cases.

The sixth section provides that those who take an oath renouncing polygamy may apply to the President for pardon.

The seventh section legitimizes all legitimate children born prior to the first day of January, 1883.

The eighth section provides that no polygamist shall vote or hold office in the Territory. The other sections are immaterial in this action.

Now, let it be borne in mind, that offences under this law, whether polygamy or unlawful cohabitation, are barred by the statute of limitation within three years. When this law was passed—March 22d, 1882—it fell upon Utah like a clap of thunder out of a clear sky. Up to this time many of the polygamous families dwelt in one household and under one roof. Most of these people felt secure from prosecutions for polygamy, for their offense was barred by the statute of limitations. New marriages were consummated in secresy and, while all knew that

polygamous marriages were constantly going on around us, yet no evidence of such marriages could be produced—except in a few isolated cases. Therefore, the Courts determined to strike down the polygamous household. It was evidently the intention of the Edmunds Law, not only to put an end to polygamy, but to wipe out those external appearances that gave life and hope and strength to the principal crime. But scarcely had the courts began the work of demolishing these polygamous households before they were confronted with all the evasions and subterfuges which the ingenuity of learned and skilled lawyers could suggest. First we were confronted with a defective jury system allowing only 200 jurors—half Mormon and half Gentile—and scarcely had we got started before the panel was exhausted. Then the Courts issued an open venire, and we followed that question into the Supreme Court of the United States in the Clawson case, and again the court of last resort sustained us. It appears to a certain extent to be the practice among the Mormons that when a wife ceases child bearing she goes into a partial retirement. This fact was established in this very trial upon the testimony of the fourth wife Harriett. So, when we first began these prosecutions for unlawful cohabitation the defendants claimed immunity on the ground that they had ceased sexual intercourse, but we followed that question into the Supreme Court of the United States in the Cannon case, and again the Court of last resort sustained us and held that that was not a defence. Four times within the past seven years have these questions in regard to polygamy and unlawful cohabitation been decided by the Supreme Tribunal of our land. The law in relation to them has been so clearly, so distinctly, so emphatically declared, that with the great mass of the American people forbearance has ceased to be a virtue. This conflict, extending over a period of nearly forty years, has reached that point where one of two things must be done—either polygamy must go or Congress must close our Courts. I now pass from these matters, trusting that this review of history may throw some light on your deliberations in this case.

We will now return to the disputed ground. We insist on the part of the prosecution that this defendant is guilty of unlawful cohabitation with his seven wives as the Courts construe that law. On the other hand this defendant, by his formidable array of counsel, claims that since the passage of the Edmunds Law he has been living strictly within the law, and, as we differ so widely, you must decide between us. With your recollection of the details of the evidence I submit whether we have not shown such a state of facts as convinces you that this defendant lives and cohabits with these women, in the relationship of husband and wife, as much so to-day as he did at any former period of his life. We have first shown to the jury that they lived together, some of them for forty years, and have never been divorced nor legally separated. In fact, we know that these marriages are for time and eternity, as all the wives testified. We have shown that during all this period of time they lived together as man and wife, and with each wife there was raised a large family of children. We have shown that during all this period they continually walked, talked and acted as husband and wife and called each other husband and wife. We have proven that in all their intercourse with each other they treated each other as husband and wife, and that this relationship was observed by their friends and neighbors and was flaunted in the face of the world. In their dealings with the world it was as husband and wife, as distinguished from what

might be called a harem among eastern nations or be looked upon as licentious conduct elsewhere. He provided for their support, their food, their clothing, their house and home, not as a divorced husband paying unwilling tribute in the shape of alimony, but as a dutiful husband supports a loving and devoted family. He claims them, not as concubines, nor as mistresses, but he claims them before the world as his wives. Bear in mind that this story of their marital relation is told by those who know it best—his own seven wives.

I have thus far directed your attention to what we claim on the part of the prosecution has been proven. I now propose to direct your attention to what we need NOT prove in order to secure a conviction. I assume that His Honor will charge this jury substantially as the courts have charged other juries on the law of unlawful cohabitation. We need not show to this jury that the defendant and his wives, or either of them, ever occupied the same bed. We need not show that they, or either of them, ever slept at the same room or ate at the same table, for these are but instances in every married life. We need not show that they ever had sexual intercourse, and probably could not, even if required to do so, unless we were assisted by the famous "knot hole brigade" of Salt Lake; and we need not even show that they dwelt under the same roof. The only question in this case is—were they living in the habit and repute of matrimony? Not were they so living in the same room, or occupying the same bed, or dwelling in the same house. This offence is complete, say the Courts, when a man, to all outward appearances, is living or associating with more than one woman as his wives. If the conduct of the defendant is such as to lead the public to believe that the parties are living together as husband wife then the offence is complete.

CHAPTER XIII.

PLEA OF COUNSEL ON BEHALF OF THE HOARY APOSTLE.

THE defense began by a clear statement from Mr. Harkness followed by a feeling address by F. S. Richards, Esq. These gentlemen relied solely on the points that the evidence showed that Snow had not "lived with" more than one woman during 1885 as his wife. They contended that "cohabit" meant actual residence in the same house as husband and wife. Their addresses when stripped of verbiage meant this and nothing more. In the other cases against Snow this point was relied on in the defense and the additional one that if the defendant had so lived, the offense was but a continuous one.

The address of Judge Harkness was as follows:

The defendant is indicted under the third section of the act of Congress, known as the Edmunds Law, which provides that "if any male person in the Territory or other place over which the United States have exclusive jurisdiction hereafter cohabits with more than one woman" he shall be punished as therein provided. It is charged that the defendant, during the year 1884, cohabited with more than one woman, and your investigations are limited to the conduct of the defendant during that year. The facts of the case as developed by the evidence lie in a narrow compass and are briefly these: The defendant has seven wives now living. He resides in Brigham City in this Territory. Upon a certain block in that city stand two houses; one known as the "old homestead," under whose ample and hospitable roof the defendant, before the passage of this law of Congress, resided with several of his wives. About twenty rods distant separated from the old homestead by a substantial fence through which there is a gateway, stands what is called the "brick house." This house is the home of the defendant where he resides with one of his wives, Minnie Snow. He moved from the old homestead to this house in May, 1882, as soon as the provisions of the Edmunds act became known in Utah. There he has ever since made his home; his business office is there; he receives his mail there; he eats, he sleeps, he dwells there, and this was the fact throughout the whole of the year 1884. At the old homestead reside three of his wives, and the remaining three reside in other parts of the town. These ladies own the property on which they reside, conveyed to them by the defendant before the passage of the act. To all of them except Minnie, with whom he has exclusively lived since May, 1882, he has been married for many years, to some of them for over forty years. To Minnie he has been married since 1871. They each have a family of children. The defendant is in the 72d year of his age. All of these women are supported by the defendant. They bear his name. The evidence shows conclusively that

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the defendant did not, during the year 1884, nor has he since May, 1882, lived, dwelt, taken a meal, slept or made his home at any house, except the "brick house," nor with any woman except Minnie Snow. On two or three occasions only in 1884, he visited the old homestead; these visits were made specially to see one of his daughters who was dangerously ill, having sustained by accident, a fracture of the skull; he and her mother Sarah, having at the time of the injury gone to Pleasant Valley for her and taken her home with them. The visits were made in the day time and were not to exceed a half hour each in duration. On one occasion in November, 1884, the defendant called with a carriage at the house of Harriet Snow, one of the wives, took her and his sister Eliza to the house of her son, a few miles from Brigham City; he proceeded to his farm some distance further on; returning in an hour, he took Harriet and his sister in the carriage and left them at their home in Brigham City. Throughout this trip the carriage was driven by a man named Olsen, with whom the defendant sat on the front seat, the mother and sister sitting on the back seat.

In 1884, the 70th anniversary of the defendant's birth was celebrated in Brigham City. A banquet was given in a large hall, called the Court House Hall. It was a public occasion and the people of city and vicinity in general attended to tender their congratulations, and to testify the high regard in which they held the defendant. At that banquet all these ladies were present.

Evidence has been admitted of the general or public repute as to the defendant's manner of living, and the relation he bore to these women during the year 1884, and it is all to the effect that it was generally understood, accepted and believed by the public that the defendant lived and dwelt at the brick house with Minnie Snow exclusively; that his home was there; that he had not during 1884, nor indeed since 1884, nor indeed since May 1882, lived or made his home at any other place, or associated with any other woman as a husband associates with his wife. There is no evidence that he held out or announced any other woman during said time as his wife. There is no evidence of sexual intercourse with any other woman. The defense could and would have proved that there had been none during said time, nor since the passage of the act, but the court has ruled such evidence inadmissable. We have the right, therefore, to assume that except with Minnie Snow, whose youngest child is three months old, no such intercourse has taken place.

Prior to the passage of the Edmunds Act, these women were all well known to be the wives of the defendant; since that time he has obtained no divorce from any of them in the courts; he has supported them and their families in comfort, and he has been kind and considerate in his treatment of them all. All of them are of advanced age except Minnie Snow, who is now about thirty-five years of age.

These facts are established by indisputable evidence; indeed, there is no conflict in the evidence as to any of them. The prosecution has placed upon the stand all of these women, and has been permitted to cross-examine them. Their testimony has been candid and straightforward without the slightest attempt at evasion or subterfuge.

The prosecution has also called the Deputy United States Marshal who made the arrest of the defendant upon this charge, and he has testified that the defendant was at the time concealed in a closet in the "brick house," but upon being summoned came forth and delivered himself up to the officer.

The grand jury has subdivided the alleged cohabitation of the defendant into three distinct offenses, one of which may be rightly said to embrace the year 1883, another the year 1884, and another the year 1885. Upon the indictment for the year 1885 he has been already tried and convicted; he is now on trial before you on the indictment for the year 1884, and the third indictment yet remains to be tried.

Gentlemen of the jury, you are asked by the prosecution to convict the defendant upon this evidence of the crime of unlawfully cohabiting during the year 1884 with more than one woman. I claim that neither in act nor intent is the defendant guilty of the offense charged against him. Now in order to arrive at a just conclusion as to his guilt or innocence, you should know and consider the circumstances in which he was placed at the time. This law of Congress, enacted in March 1882, declares that "if any male person thereafter cohabits with more than one woman" he shall be punished as therein prescribed. What is the meaning of this word "cohabit?" I do not speak of its present meaning, for it has recently been defined by the Supreme Court of the United States in the Cannon case. But what was the meaning of this word at the time of the passage of the act, and during the year 1884, prior to its recent definition by the Supreme Court? You will observe that Congress does not attempt to define it. It is usual for the Legislature to define more or less specifically the acts which constitute a crime, made punishable by law. Open any book of criminal statutes, and you will find that murder, arson, robbery, and the long catalogue of statutory offenses are defined with great particularity; the acts and intents which shall constitute them are laid down with precision, so that all may know beforehand the nature and character of the acts prohibited by law. But in this law of Congress we have only the general unlimited term with no attempt at a definition. Whoever "cohabits" shall be punished.

Was, then, this word "cohabit" so simple in signification, so readily understood, that no definition was required? Would all men understand it in the same sense? On the contrary we find it to be a word full of uncertainty and ambiguity. It has one meaning in popular language, another in technical language. As the chameleon changes its hue on every object on which it rests, so this word changes its signification with every subject to which it is applied. Chief Justice Zane, delivering the opinion of our Supreme Court in the case of the United States vs. Musser, says it is a word of "flexible" signification. which is equivalent to saying that it is a word of ambiguous meaning. No one will deny that in popular use the idea of sexual intercourse is its essential element. If either one of this jury were charged with cohabiting with a woman, he would instantly understand that sexual intercourse was implied by the charge. As uttered upon the popular tongue that is the meaning. The learned Chancellor Walworth, of New York, repeatedly held that sexual intercourse was also the proper legal meaning of the word. Mr. Bishop, a distinguished law writer, differs from Chancellor Walworth, and holds that the idea is not an essential element in the definition. The Supreme Court of Utah, after a long and exhaustive discussion at the bar, and great consideration by the court, excluded from the definition of the term, as used in this act, the idea of sexual intercourse. This decision has received the high opinion of the Supreme Court of the United States, but not its unanimous approval, for two distinguished members of the court, Justice Field and Justice Miller, dissent from the opinion, and Justice Miller does not hesitate to say that he knows of no

instance in which, in a criminal statute, the word cohabitation has ever been used in any other sense than that of sexual intercourse.

Now, gentlemen, there is one fact which I wish to impress strongly upon your minds, and which I beg that you will hold prominently before you at every step in your investigation of this case. It is this: That the decision of the Supreme Court of Utah, and the decision of the Supreme Court of the United States, defining this word cohabit, so far as they do define it, were both rendered after the time mentioned in this indictment; after the year 1884; after the defendant had committed the acts here charged to be criminal. He had not the light of those decisions to guide his conduct. Those acts were committed as charged at a time when this word still floated on the waves of ambiguity and uncertianty, fluctuating with every subject to which it was applied, for the decision of the Supreme Court of Utah was rendered in June, 1885, and the decision of the Supreme Court of the United States has just been announced.

But, gentlemen, ambiguous and uncertain as this word "cohabit," then was in its ordinary applications it was peculiarly so in its application to the conduct of the defendant and his co-religionists who were living in polygamy. The courts have held that this law of Congress was directed with direct reference to the system of polygamy as it existed in Utah. Congress was aware that polygamy was sanctioned by the religious creed of the Mormons, that it was practiced here, and this legislation was intended to suppress that practice.

For twenty years the law against polygamy, passed in 1862, had stood among the laws of Congress, but the Government had taken no energetic measures to enforce that law. Two or three convictions had been had during that time. But the law had fallen practically into disuse, and was almost a dead letter upon the statute book. There were many polygamists here in 1862, who had married their wives prior to the passage of that law, and who were therefore unaffected by its provisions, for criminal laws, (however it may be with definitions) can never be ritroactive; and after the passage of that law many persons, encouraged by the inaction and acquiescence of the Government, contracted polygamous marriages, and not being prosecuted or molested by the Government or its officials, the statute of limitations soon ran in their favor, and so they were no longer liable to prosecution for polygamy. And during all this time, and down to the passage of this Edmunds Law in March 1882 there was no law against cohabitation; no law which forbade the association of the polygamous husband with his wives. Polygamy had been winked at and tacitly acquiesced in by the Government until a large class of persons having gone into it, stood now protected by the lapse of time and the bar of the statute of limitations. Numerous families of children had been born in polygamy, and there being no law prohibiting the utmost freedom of association, those families were united together by all those unspeakable sympathies and affections which bind the father to the child, the husband to the wife, the wife to the husband, the children to their parents.

Upon this condition of things, upon a people so delicately and anamalously situated there suddenly fell without warning, like the crash of doom, the law of 1882. That law peremptorily prohibited under severe penalties the cohabitation of any male person with more than one woman. What would be its effect upon the conduct and relations of the polygamists of Utah? What was the meaning of this word "cohabit" as applied to them?

It was in the first place plain enough that Congress did not intend to absolve the polygamous father from any of the duties and responsibilities which pertained to his relation as a father. For by the seventh section of the act, the children of all polygamous marriages which had been solemnized in accordance with the ceremonies of the Church of Latter-day Saints are made legitimate—thus placing them upon the same plane and clothing them with the same rights as the law bestows upon the children of the legal marriage—the same right of inheritance—the same right to call upon the father for education, for support, and for the discharge of all those duties which the father owes to the child. So far then as the polygamous father and his children are concerned, this law did not sever nor attempt to sever the relations and the associations existing between them; by legalizing those relations they were made closer and more intimate than before.

But as regards the father and the mother of those children thus made legitimate, what was the effect of this law upon the relations existing between them? It has been likened by Your Honor (addressing Judge Powers) to a decree of divorce. The comparison is felicitous and striking, but still I may be permitted to say it is inadequate. Similar things are never the same. True there is a separation in the one case as in the other, but different in kind, in character and degree.

A divorce implies alienated affection, usually bitter resentment. The love which once existed has been turned to hatred. The court may compel by its decree the payment of alimony, but it is a forced contribution, reluctantly given. How different the separation in the other case! Here there is no alienated affection; no bitter resentment. The affection which once existed glows still in undiminished warmth. For this is the mother of his childrsn, united to him by covenants, consecrated by a common faith, and which they believed to be indissoluble in time and eternity. The love of the father for his children, and for the mother of his children, is as strong and as deep as before. This, at least, no law can prohibit, no edict can annul. It exists by virtue of a higher law. It is written by the finger of God himself upon the universal heart of humanity.

Behold, then, the difficulty, the infinite difficulty of his position. The law does not compel him to obtain a decree of divorce, nor is he compelled to make or place on record any public declaration that she is no longer his wife. Nor can he, without her consent, take away from her his name. But it is his duty to support her, and her children—to educate and train them intellectually and morally to the extent of his ability. He must assist in caring for the family; he cannot throw the whole burden upon her. He may, nay, he must, in the discharge of those duties, visit the house where the mother and children reside, for he cannot tear them from her arms. In sickness and in suffering, cold must be the heart that could deny to her and to them the presence and the sympathy of the father. All these things he may, nay, it is his imperative duty, to do, but nevertheless, says the statute, he must not cohabit with her, or with more than one woman.

What, then, must he do to escape the condemnation of this law? Gentlemen of the jury, what would you have done? Put yourselves in his place. I appeal to you individually and personally. Go back to the year 1884, the time laid in this indictment, and remember that the meaning of this word "cohabit," as used in the act of Congress, had not then been fixed by judicial definition. You must define it for yourself.

You are to select from the multiplied meanings of this most ambiguous term one by which your conduct shall be governed. You are no lawyer, and if you ask the law its oracles are dumb, or give back dubious and dissonant responses. Bewildered, groping in the midnight darkness, what can you do? You find in ordinary language, in popular speech, and with that you are familiar, that the word cohabit has a well understood signification, and that is sexual intercourse. Suppose that in default of light from any other quarter, you adopt this meaning of the word, and conform your conduct to it. You thenceforth cease sexual intercourse with more than one woman. You do more. While you make occasional visits, as in sickness, or when necessity requires it, in the discharge of the duties you owe to your children, you thenceforth cease to live, to sleep, to eat, to dwell, to make your home except at the one house and with the one woman; if after all that you should be convicted and punished because you had cohabited with more than one woman, what would you think of the jury which convicted you? What would you think of a jury which, taking a definition of this statute, unknown at the time, arrived at by the courts after your alleged offense was committed, should make an expost facto application of that definition to your past conduct, and punish you for not knowing and doing what it was impossible for you at the time to know and to do?

And what would you think of a Grand Jury which, not content with one indictment, should under such circumstances subdivide your past conduct into three offenses in order to crush you under the load of accumulated penalties and forfeitures? And yet that is this case. The defendant upon the passage of the Edmunds law ceased to cohabit with more than one woman in the only sense in which he could then understand the term. Not only did he cease sexual intercourse, but while in the discharge of the duties incumbent upon him, he visited on rare occasions the houses where his other wives and their children resided; and provided for their support, yet he thenceforth neither dwelt nor slept nor ate nor made his home at any but the one house or with any woman but Minnie Snow. The evidence only shows the two visits to his sick daughter in 1884, the ride to Little Valley, where Sarah Snow and her daughter were in the carriage with him and Olsen, and the birthday anniversary.

These women lived upon their separate property and there is no evidence that during that time he introduced or announced or held them out as his wives, or associated with but one as a husband associates with his wife.

And yet you are asked by the prosecution to find him guilty. Can you do it and preserve your self respect? Would such a verdict have any tendency to make the law respected, or would it bring disgrace upon the administration of justice?

You may convict him because he is a Mormon; because you are prejudiced against him and his religion, but you cannot convict him upon evidence, for there is no evidence to justify such a verdict.

But the attorney for the Government, feeling the weakness of his cause, falls back in desperation upon the fact that at the time of Mr. Snow's arrest by the Marshal, he had attempted to conceal himself from the officers in a closet or cellar in the brick house where he resides, and it is urged that this is equivalent to a confession of guilt, and in default of anything else you are expected to convict him on this. A word as to that: Gentleman of the jury, you have been selected to sit in judg-

ment upon the defendant, and the manner of your selection is peculiar. The law under which you are empanelled excludes from the jury box, every man who believes as he does, and the prosecution will exclude by peremptory challenge every man who is a member of his religious sect, although he might say that he regards the laws of his country as of higher obligation than any religious dogma and that he would try the case impartially and decide it in accordance with the law and the evidence. Practically every Mormon is banished from the jury box. In this poor unfortunate land of Utah, which God has made so beautiful and man has made so miserable, where party passion acting in combination with religious zeal has so embittered the prejudices and inflamed the animosities of men that reason is well nigh banished from her throne, you have been summoned to this jury box from the ranks of those who are believed to be arrayed in deadly hostility, to the sect of which the defendant is a member. Naturally, gentlemen, inevitably a jury so selected is regarded with deep distrust by the great body of his co-religionists, ann it has gone abroad that before such a jury there is no hope for the accused; that accusation is equivalent to a conviction.

Do you wonder, gentlemen, that under such circumstances, believing that he could not obtain a fair and impartial trial in the courts, this defendant concluded to avoid arrest if he could, and so concealed himself where he was found by the officer? Can that fact be treated as a confession of guilt?

But, gentlemen, I do not forget that when you took your seats in that jury box you said that you had no bias, no prejudice against the defendant, either personally or on account of his religion, or for any cause whatever, and with uplifted hand you called God to witness that you would try him fairly and impartially, and a true verdict render according to the law and the evidence. Do you remember those solemn pledges? I remember them, and I for one am willing to believe that you will keep those pledges. I do believe it from the bottom of my heart. I believe you have the courage and manhood to do it. I believe that as honorable men you will regard the manner of your selection as placing you under the highest and most solemn obligations to banish from your minds all prejudice, all passion, all party or religious rancor, to weigh and consider this evidence impartially, to give him the benefit of every doubt, to judge him in mercy and with Christian forbearance, remembering the circumstances in which he was placed, the difficulties and perplexities with which he struggled, and that you will so acquit yourselves in the delicate position in which you stand that your verdict in this important case shall command the approval of your own consciences and the approbation of every lover of justice.

CHAPTER XIV.

BRILLIANT RHETORIC OF F. S. RICHARDS FOR SNOW.

MR. RICHARDS addressed the Jury as follows: The impression seems to have gone forth in this community, that in trials of this character the attorneys for the defense are wholly without hope of obtaining an acquittal. A rumor of this kind may have come to the ears of some of you. A report that the defense believes that you are prejudiced, that you will misjudge the facts, and that this case was decided and a verdict virtually rendered against this defendant before you had heard one iota of the testimony; it is possible that you have been told that counsel for the defense know that they cannot obtain for their clients in these cases fair and impartial trials, and that they appear and make argument simply to air their own rhetoric and vent their own oratory. I mention this rumor that I may for myself and my associates absolutely and emphatically repudiate any such idea. In this jury box are men with whom I have been acquainted for the greater part of a score of years, my fellow citizens and fellow townsmen. With some of you I have had professional and business relations, such as to create trust and confidence; and for me to stand in this Court to-day, and believe you capable of entering the jury box with the deliberate and unalterable intention of convicting my client, would be to assert that I am a believer in the idea of the total depravity of man. Gentlemen, I am not so far gone in a distrust of mankind as that belief would indicate. It is my duty—and one which I observe with pleasure, to have faith in this jury—to think that when you held up your hands to high Heaven and swore to be unbiased and fearless in the discharge of your sacred trust, you meant exactly what you said, and that you will take a pride in adhering strictly to your promise. Therefore, what I say to you is not as the sounding brass and tinkling cymbal, but in the way of reason and from the bright hope and firm conviction of my soul. I believe that you will understand the facts of this case as I shall recall, just as I understand them, and that you will consider them without fear, without prejudice, without expediency, in the light of the law as it shall be given to you from the bench.

The first thing which you should attempt to determine in every trial of this character is: What are the elements which are essential to constitute the offense with which the defendant is charged? And the second point is: Are all of these necessary ingredients actually present in credible evidence? Lorenzo Snow is charged with unlawful cohabitation with more than one woman, during the period named in the indictment, between the first day of January and the thirty-first day of December, 1884. Now, gentlemen, this peculiar offense, as it has been defined by this Court, as it has been designated by the Supreme Court of Utah Territory, and as it has been declared by the most exalted judicial tribunal

in this Republic, consists of two distinct and requisite elements. One of these is the living of a man with more than one woman, and the other is holding out of these women by him as his wives. And although the learned counsel for the Government may say to you in his closing argument, as has already been asserted in this and similar cases, that the only fact necessary to be proven is that the defendant has "lived a life which would lead the public to believe that the ladies named were his wives," I ask you to eliminate any such unjust and fallacious idea from your minds. Do not get any such foolish and wrongful impression as that the prosecution, under any circumstances, can dispense with either one of the necessary constituent elements of the offense, and then demand a conviction at your hands. Gentlemen, my client might have been a polygamist during the year 1884; he might have owned and acknowledged that every woman with whom the indictment charges cohabitation was his wife during the whole of that period; he might have declared this relation publicly in the pulpit, in the streets of Brigham City, or in the newspapers—all these things, even if proven—as they most emphatically have not been—would not and could not under the rulings of the Court constitute the unlawful cohabitation charged against my client in this case. I desire to impress upon you that you should not be misled by assertions of the character which I have just controverted, and which might cause you to render a verdict not in conformity with law or conscience. I maintain that I have expressed a correct view of the law and that nothing of a contrary nature will be given to you from His Honor, who presides in this Court.

Gentlemen, it is not the simple, passive relation of polygamy which Congress has declared against in the section of the law under which this indictment is brought. Certain disabilities are imposed upon the defendant, even for the status itself. He must neither vote, hold office, nor perform jury duty during the existence of that status; but that he should be subjected to punishment—that he should be tried, convicted, fined and imprisoned. It is required that he should do much more than remain passively in that relation. He must have lived with these women as a husband lives with his wife. In such cases as the one now on trial, the manner of living constitutes the habit and repute of marriage. What is the evidence of any habit and repute of living together as man and wife, in this particular case against Lorenzo Snow? For that proof we rely upon the testimony of witnesses for the prosecution; and let me say, in passing, that the law will not permit counsel for the Government to cast discredit. It is the testimony offered you by the prosecution upon which you are requested to find a verdict of guilty, and the power to impeach it or impugn it does not legally nor justly lie in the mouth of counsel for the Government. He introduced these witnesses, and he is irrevocably bound by their assertions. The fact is that these witnesses have not been contradicted; the defense has made no effort to controvert their testimony, and what is that testimony? All of these women, except Minnie, with whom alone cohabitation is not denied, testified to you positively and unequivocally that at no time during the year 1884 did they live with the defendant, or did the defendant live with them. There is no doubt nor dispute regarding the truthfulness of their assertions. If it had been possible to produce testimony of a contrary character, the prosecution would have introduced that other evidence. I asked some of these ladies if they had lived with the defendant as husband and wives during 1884, and they answered "no." I then put the

question in its general sense: "Did the defendant live with you, during 1884, as a husband or otherwise?" and they answered, "he did not." It is proven to you beyond the shadow of a doubt that he did not once sleep in any one of the residences of these ladies, that he never ate there, and, gentlemen, there is no evidence before you that he even called at any one of the houses except that of Sarah, at which he made two visits to see a daughter, their child, who had suffered a serious injury of a fractured skull by being thrown from a carriage. The attending physician was present at these interviews, and testifies to the effect stated. Upon one other occasion only he was in the company of Sarah, the mother of the injured daughter, and that was when defendant and Sarah went to Little Valley as soon as the accident was reported to them. They went to find their child, to care for her and bring her to her mother's home; and upon their woful journey they travelled in the same conveyance. Was there any crime in such a journey and in such visits of paternal solicitude? These are absolutely the only circumstances tending to show that the defendant associated with Sarah as a husband, neighbor, acquaintance, or in any other capacity; and yet it is upon the fact that Lorenzo Snow was gentle and tender enough to perform this humane, loving duty, that a demand for a conviction is partially based. On one occasion he was in the company of Harriet during the year 1884. At a time when defendant's sister was visiting him, he and that lady rode in a carriage driven by a hired man to the front of Harriet's residence, and without there alighting, Harriet came from the house and entered the vehicle, riding upon the rear seat with Mr. Snow's sister Eliza, while defendant and the coachman occupied the front seat. They were driven to the home of Sarah's son, Lucius, at which place the two ladies alighted and remained, while defendant went away immediately to visit his farm, beyond the city. The carriage still bearing the defendant returned in an hour, the two ladies were picked up and carried back to the home of Harriet, which she entered and the defendant, again without alighting, at once drove from the locality. This is his only living with Harriet. But, seriously, is there any living together or holding out in these two facts? Is there any unlawful association? Is there any reason for the claim that this was cohabitation with either or both of the ladies named? So far as the others are concerned, the other ladies mentioned in the indictment, Adeline, Phœbe, Eleanor and Mary, there is not a particle of evidence that he had been seen in the company of either of them during the year 1884, except on the occasion of the anniversary of his 70th birthday, when he met some of them and a hundred other friends and acquaintances in a public hall. Therefore, there are but five facts upon which a conviction is demanded—five facts which I rehearse to you and which I wish now to reiterate that you may not lose sight of them: First, the brief and anxious journey of Mr. Snow in the same conveyance with Sarah to the place where their daughter was lying with a fractured skull; second and third, the two calls of the defendant at the house where their dear daughter was upon a bed of illness—calls made in the presence of the doctor, and which were for the obvious and undisputed purpose of learning of the condition of his sick child; fourth, the ride taken by my client in company with Harriet and two other persons to the house of Harriet's son; and fifth, the anniversary dinner eaten with his hundred friends. And upon those bare facts, you, gentlemen of the jury, are asked in this, a hall of justice, to render a verdict of guilty! And of what? Of unlawful cohabitation; of having lived with these wo-

men as husbands live with wives, and of having held them out to the world as his wives! Gentlemen, the Supreme Court has held that unlawful cohabitation means these two things, and that without both of them proven it cannot be maintained. I insist, and any reasonable man must acknowledge, that neither of these essential elements has been established.

At this point I desire to warn you against falling into a pitfall which I fear may be opened for your feet. It has been suggested by counsel in other prosecutions of a similar nature, and I have a right to anticipate it in this case. I am compelled to advert to it before its utterance, as I have no privilege of reply to the prosecutor's closing speech: It has been very adroitly and significantly suggested that because my client did not live with these women and perform his marital duties to them all alike, he ought to be convicted of this offense because of his injustice and partiality. Gentlemen, this is a monstrous idea. The law required my client to live with not more than one wife, and because the prosecution cannot prove that he has lived with more than one he is still to be convicted of the offense; and such absurdity and cruelty are justified as a measure of public policy! Gentlemen, as widely as the poles are separated, you may differ from the defendant's religious belief, from his marital methods, from his taste and conduct; you may coincide with an ingenious but heartless theory heretofore advanced by the prosecution in this court room, that this defendant's separation from a portion of his family was a desertion and neglect of some of his wives; that this conduct was unjust and even cruel to the women who were thus deprived of his companionship. But, gentlemen, that can have nothing to do with your verdict. Did the defendant endeavor in good faith to obey the law? You are not sworn to judge Lorenzo Snow for what he has not done, but for what he has done; not for having failed to perform his marital duties, but for having lived with these women as his wives. The defense sets up the claim that Lorenzo Snow has obeyed the law. The prosecution's argument would lead you to say that if so he ought to be convicted of a violation of the law, because a compliance with the law would be an act of inhumanity. Further, my client is not on trial under a charge of "religious fanaticism." This community is not on trial; nor is the Mormon church arraigned; but the sole point at which all these circumstances and arguments center like the spokes at the hub of a wheel, is this—simply this and nothing more: Did Lorenzo Snow, during the year 1884, live with and hold out more than one woman as a wife? Under the evidence only one answer can be given, and that answer is "no."

Of course, gentlemen of the jury, you naturally find some embarrassment in thus repudiating an argument upon which the prosecution in a similar case has laid so much stress. You have supposed, doubtless, as I was taught, that the duty and aim of a public prosecutor was to stand in the Temple of Justice, not clamoring for the blood or liberty of any man, but to represent truthfully, impartially, fully to the jury all the facts necessary for consideration in making up a just verdict. He should endeavor to be as eager for justice to the man on trial as is the paid advocate of the defense. It has been my fortune to serve for some years as a public prosecutor, and in that capacity I have many times had the honor of appearing in this court before the distinguished Judge who was the predecessor of His Honor who sits upon this bench. But, gentlemen, I assert—I trust with no unseemly pride—that I never forgot

the fact that I had no right to demand from any jury a verdict of guilty unless my own brain and conscience united in saying that, if I were acting as a juror in the case, I would feel bound by the facts to render such a verdict. This is the test. Apply it to the vigorous counsel for the Government. Will he stand here and say that if he had taken your oath in the case now on trial, his conscience would uphold him in voting for a verdict of guilty? I am reminded of an instance which occurred not more than one hundred years ago last Thursday, and not more than one hundred miles from this court room. A certain adroit and eloquent counsel for the Government, in a case very, very similar to this, demanded most impressively the conviction of the defendant, and a short time afterwards, while in conversation on the street, the same gentleman spoke to this effect: "It is my firm belief that the man on trial yesterday had honestly endeavored to obey the law, and had done all that should be required of him."

Gentlemen of the jury, you stand here probably in a position of higher importance and holding a greater trust than the distinguished Judge or the energetic prosecutor who represents the mightiest nation under heaven. For you are here as a constitutional bulwark—the wall of defense between my client, Lorenzo Snow, and the unheeding, ill-judging clamor of millions of people demanding his conviction. Do not mistake the gravity of this occasion, nor of your position. To my client, your verdict means either the retention or sacrifice of all that makes life radiant in human eyes and precious to the human heart. But that is not all. A devastating flood of convictions, in answer to a popular prejudice, is sweeping over this devoted land of Utah. Will you have the courage to-day, before the rush becomes indiscriminate and more disastrous, to dam that flood with your disapproval and say to the world, and if not to the opinion of this day, to the future: "It is possible for a Mormon accused of this offense and tried before a jury of his sworn opponents, to receive justice—to be acquitted when the evidence and the facts do not, cannot warrant his conviction?" Never, perhaps, in all the annals of history, has there been a greater opportunity to show the strength and lasting worth of true manhood than you gentlemen possess this hour. Will you be equal to the emergency?

It requires heroism, and the reward comes not to-day. But history is full of bright pages flashing with the deeds of men who dared all and whose very names make your heart strings thrill. You do not forget Arnold Winkelried, the Swiss patriot, who rushed against the oncoming, solid phalanx of Austrian spears, coming with swift tread like an irresistible public clamoring force. He seized an armful of the glittering steel and buried the points in his own breast, while his companions broke through the opened way which had been made for liberty, and Switzerland was redeemed. Go back a few ages among the legends of imperial Rome and recall how a vast crevice burst open in the earth, yawning at the very portals of the forum. The sacred oracles cried that it would never close and Rome must perish unless a sacrifice of some choice human life were offered. In an hour, back came the flower of Roman chivalry, a noble youth with the fire of grand daring flashing from his eyes. He was adorned in holiday attire; he rode his highest mettled barb, and when he reached the gaping fissure with one quick spring, brave, handsome rider and richly decked steed had sunk out of sight into the abyss which closed forever. But these are only instances of physical courage. It requires even a quality of greater bravery to be a

moral hero. There is one Englishman whom Americans love better than all others of his race and time. I mean Pitt—the man who had the courage to stand in the British Parliament and defy the wicked government's project for the annihilation of liberty in this land. Such an opposition as that of which he made himself the champion might mean disgrace, the ruin of all his ambitious projects; but he dared to say to the King and the ministry: "If I were an American, as I am an Englishman, while a foreign foe remained in my country, I would never lay down my arms, never never, never." Remember our own patriots of last century, who declared the divine idea that all men were free and equal. They walked in a pitiless storm of hostile opinion. Even later, almost in our day, the men who led the movement for the abolition of slavery were execrated by the public clamor as wretches unfit to live, as "nigger stealers," worse than murderers. These men all went on their way, knowing that the day of justice would dawn when their heroism would be recognized at its full value.

It is not so difficult an act to perform a deed of physical valor, with the sound of fife and drum, the spirit, the enthusiasm, the wondrous physical power which is imparted to a man in the clangor and glory of assembled multitudes of warriors or admiring, applauding friends. But it is more, for a man to sit down in the presence of his soul and say: "For the sake of my own truth and manhood, I will perform this act of justice, and I dare to face the opposition of the world." Gentlemen, if you are animated by this exalted feeling, this court room will not only be the Temple of Justice to my client, but it will be to him his city of refuge, within the gates of which the hating multitude may not pass.

I have a few words more to say, gentlemen, before I close. My client was convicted last week upon a similar charge, only the alleged offense was placed a year later. You see his age—more than seventy years—his hair is white with December frost. I ask you to consider well what you are doing before you render a verdict which would impose upon him an additional penalty. Imprisonment means more in his case than in most others. It means more than the deprivation of the necessary comforts and attentions with which his age and circumstances have made him familiar. It means more than the change from the society of loving friends, to be the involuntary companion of thieves and murderers. Yes, gentlemen, for to my client, it may mean—death! Death within the prison walls! And yet, do not understand me that I am here as a suppliant for mercy to my client. God forbid that I should ever be placed in any earthly court where I shall ever have to ask for mercy on his behalf or any other man. I ask simply for Lorenzo Snow to-day, justice, brave justice. I ask for nothing more; I expect nothing less. I hope and trust that you may be able to rise to the dignity of this hour, that you may be able to see and grasp your opportunity to become moral heroes, that you will step forward and stop this onward devastating rush of injustice and wholesale condemnation, which is sweeping through this Territory, and which your outstretched hands can stay.

But, gentlemen, if you fail to view the grandeur of your position, if you fail to act as becomes moral heroes, mark my word: the future will bring its retribution of regret to your hearts. No act of oppression can go forever unwhipped of conscience and destiny. This is true of individuals and nations. Read the blazing lesson of history, and it says that from the hour that Persia's myriad army was tossed like chaff from the shore of the land which it had hoped to desolate, down through the

many ages until the hour when the Corsican corporal swept like the archangel of war in an avenging triumph over the tyrannical nobility of Europe; yes, search your story until this present hour; you will find that destiny has been lying in wait to bring retribution to every family and every land which has transgressed the laws of justice and humanity.

Gentlemen, this world has had her chapters written in blood and tears. She needs no more. Your verdict, now to be rendered, will become a part of an important historical epoch. I entreat you, by the regard which you have for your own fair fame; by your love for your children, who will judge you in the light of the future, by your admiration and hope for your country and her reputation, that you will not be swayed by prejudice, but that you will be guided by facts honestly stated. I ask you in the name of all that is sacred and dear to the human heart, to render a verdict which will not pale your faces, nor bring to the cheeks of your posterity the blush of shame; and that you will render such a verdict as the history of your country may truthfully say was not animated by cowardice or vindictive hate; and that verdict will be 'not guilty."

CHAPTER XV.

HOW MORMONS REQUITE THE LOVE AND DUTY OF EARLY WIVES.

AT the close of Mr. Richards' speech the prosecution was concluded by Assistant District Attorney Bierbower, who reviewed his former remarks and said: I might with confidence close my case here, but professional courtesy to my brother lawyers on the other side demands that I should not pass their arguments in silence. Counsel have insisted that at about the time of the passage of the Edmunds Law, this defendant separated from the older wives, that he deeded to them the homes in which he left them, that he moved into a new house with Minnie, the youngest wife, that this has been his only home, and that, therefore, he has complied with the law. It was not an unusual thing, even long before the Edmunds law, for polygamous wives to live in different houses, and in this case for several years prior to 1882, the fifth wife, Mary, lived alone, and the first wife Adeline and the sixth wife Phœbe lived together in the Cotton Thomas house. During this time Sarah, Harriet, Ellinor, Minnie, and the defendant all lived together in the old homestead. The brick house is built in the same yard with the old homestead with walks and gates connecting the two houses. The whole yard is surrounded by stone walls and fences seven feet high—thus completely obstructing a view into the yard from three sides and partially hiding the view from the other side. Even with these high walls and fences we were able to show frequent visits to and from the old homestead. In regard to deeding the different wives the property on which they live, it appeared from the evidence that those deeds were executed in 1872, but the remarkable fact was disclosed that those deeds were not recorded until November, 1882—eight months after the Edmunds law was passed. In fact, the whole life of this defendant has been an evasion of, instead of a compliance with the law. He evaded the law in Illinois when he married the second wife. He evaded the common law when he fled with his plural wives into Mexico. He evaded the law in marrying every wife since the first wife and he evades the law to-day by living with the last wife instead of the first wife. And no one knew all this better than the defendant himself as demonstrated in the manner of his arrest. When the Marshals surrounded the house and demanded admittance they were detained. When at last they gained access they searched that house from cellar to garret and back again. The whining of a dog betrayed him, and when the Marshals took up the flooring they found one trap door that led to another, and there in this subterraneous cavern they dug out this Apostle of the Lord as a frontiersman digs out a wood chuck. Why, if he was complying with the law, should there be this evasion and hiding and fleeing from that very law which would shield and protect him? Why should there be this equivocation and evasion on the part of his witnesses? And why, if he

has complied with the law in the past, is he not willing to promise to obey that law in the future? for this would end this prosecution at once.

Mr. Snow stands before this jury in a dual capacity, as an individual and a representative. He is acknowledged to be the most learned and scholarly of all the Apostles. His collegiate training, his extensive travels on the continent, his eloquence in the pulpit and his vast wealth all combine to make him pre-eminently the representative of his people. One word from his eloquent tongue or one line from his caustic pen would go farther toward settling this vexed question than any other dozen men in the Mormon Church. I verily believe that the example of his conviction will be more potential for good, than would be the conviction of three score of elders, deacons and bishops. In this case we are fighting the throne itself. And I will venture the prophecy now that with his conviction, and those that are to follow, the time is not far distant when there will come a new revelation which will put and end to polygamy. His defence before this jury is the defence which his lawyers make for him—it is not his defence. I am unwilling to believe that he authorizes his attorneys to say that he has separated from and abandoned his wives. Such a defense as that implies a heartlessness and cruelty on his part which even the prosecution does not charge against him. We are fighting a principle here—not the man. When we look at this venerable man, past three score and ten, surrounded by these venerable women, the wives of his youth and his early manhood, we are carried back in memory to the early days of Mormonism. We think of these women as his girl wives in the dark and stormy days of Nauvoo. We hear their pathetic story of how they stood by him when he was driven by an infuriated mob from Illinois and subsequently from Missouri. We heard in painful silence the story of how these young wives shared with him the trials and vicissitudes of his early life; how faithfully they stood by him when they bid their last farewell to civilization and started with him on their overland journey to this promised land. We have heard of that long and toilsome and dreary journey across the plains, how the wolves howled around their camp fires at night and the Indians hovered on their trail; how bravely they withstood the torturing and blistering rays of the summer's sun on the plains and how cheerfully they endured the chilling rain of November which froze as it fell upon them on the mountains. They stood by him, oh how faithfully, as he came into this valley—then a wild, dreary, desolate and barren waste. They helped to break the virgin soil and build the cabin of their humble home. They helped him to earn every dollar he has in the world, and when he was away on a mission to foreign lands, they and their children toiled and labored and saved for him until to-day, in his old age, he is surrounded with all that adorns and beautifies and embellishes life. But these old, true, tried, faithful, devoted and, even yet, loving wives, are abandoned, deserted and housed away where they are clothed and fed until they die! There in their solitude these old women sit in silence and dream over the panorama of the past, while almost within the sound of their feeble voices the defendant lives in open adultery with the woman who takes their place. If this is one of the lessons taught us by polygamy, then may God speed the day that will see this infamous and accursed institution swept forever from the face of the earth! And now, gentlemen of the jury, may we hope on the part of the prosecution that your verdict in this case, rendered at the close of this dying year, will be such a verdict as will nerve our

hearts and strengthen our hands for the work which lies before us in the new year upon which we are about to enter.

DEFENDANT S INSTRUCTIONS.

The defendant requested the Court to instruct the jury as follows:

1.—The defendant should be acquitted unless you find it is proved by the evidence before you, beyond a reasonable doubt, that he has cohabited with more than one of the women named in the indictment, between the last day of December, 1884, and the first day of December, 1885.

2.—The term "cohabit" means "live with," or "dwell with," and in the act under which the defendant is indicted it means to live with as wives.

3.—To constitute "cohabitation" there must be such a frequency or regularity and manner of association of a man and woman as to amount to a "living together," and distinguish the association from mere visits, and so long as there is not a "living together," occasional visits do not amount to cohabitation.

4.—The defendant, though living with one wife, could lawfully visit another and her children at reasonable times, and for lawful purposes; and the purposes of inquiring concerning the health and welfare of such other wife and his children by her, of providing for their support and the education, employment and business of the children, would be lawful. He is not required by law to break off friendly or social or religious meetings at their houses.

5.—Having more than one wife and claiming and introducing more than one woman as wives do not constitute the offense charged. You must find to justify a conviction that he has lived with more than one within the time stated in the indictment.

6.—The law assumes the defendant innocent until he is proven guilty beyond a reasonable doubt; and his guilt or innocence is to be determined by you, and what others or the public may have believed, or had reasons to believe from his manner of living, is not the issue, but you are to say from the evidence whether or not he did in fact live with more than one woman as charged.

7.—The defendant was not required to give any notice, public or otherwise, of his manner of life or his purposes, or whether he was or was not abstaining from cohabiting with more than one woman, and it is a sufficient defense if you find from the evidence that it is not shown, beyond a reasonable doubt, that he in fact did live or cohabit with more than one.

8.—It is immaterial whether or not there was any change of conduct toward, or of relations with his wives at the time of the passage of the Edmunds law, if at and prior to that time he was not violating the provisions of the act relating to cohabiting with more than one woman, and if in 1885 he has not so cohabited, he is innocent of the present

PROSECUTING ATTORNEY VICTOR BEIRBOWER.

charge, whether such innocence is the result of a change of relations with his wives or the result of a maintenance of former relations.

The Court refused to give each of the foregoing instructions, severally, except such of their substance as was given in his general charge to the jury, and to the refusal to give each of said instructions asked the defendant then and there duly excepted.

During the delivery of these addresses the best order prevailed. A deep interest and feeling pervaded the entire audience, but every inclination to exhibit either approval or the contrary was smothered promptly and completely.

CHAPTER XVI.

FINAL WORDS FROM THE BENCH TO THE JURY.

IT WAS now past the usual hour for adjournment, but the Court announced its desire to conclude the great case, if it were possible, before the new year, and proceeded to perform the duty imposed by the Utah law, and delivered the following charge to the jury, after which an officer was sworn to look to the jurors, and the Court took recess till 7:30 o'clock p. m.

GENTLEMEN OF THE JURY: This is a simple case. It is not one of great importance, but is simply a prosecution for an alleged misdemeanor. You will decide this case as you would any other, simply upon the law and evidence. The law governing the case is well settled. You are not the judges of the law, and you will be governed by the charge of the Court with reference to the law. You must take that as final.

The indictment charges that the defendant on the first day of January in the year of our Lord, 1885, at the County of Box Elder, in this District and Territory, and on divers other days between the said first day of January, A. D. 1885, and the first day of December, A. D. 1885, did then and there unlawfully live and cohabit with more than one woman, to-wit: with Adeline Snow, Sarah Snow, Harriet Snow, Eleanor Snow, Mary H. Snow, Phœbe W. Snow, and Minnie Jensen Snow, and during all the period aforesaid in the county aforesaid the said Lorenzo Snow did live and cohabit with all of said women as his wives.

If you believe from the evidence, gentlemen of the Jury, beyond a reasonable doubt, that the defendant cohabited with the women named in the indictment or any two of them as his wives, and that he held the women out to the world as his wives, by his language, or conduct, or both, you should find him guilty. It is not necessary that the evidence should show that he dined with these women or either of them, occupied the same bed, slept in the same room or dwelt under the same roof, neither is it necessary that the evidence show that within the time mentioned in the indictment the defendant had sexual intercourse with either of them. The question is, were they living in the habit and repute of marriage? The offense of cohabitation is complete, when a man, to all outward appearances, is living or associating with two or more women as wives. If the conduct of the defendant has been such as to lead to the belief that the parties were living as husband and wife, then the defendant is guilty. Of course, the defendant may visit his children, and also may make directions regarding their welfare, and may meet the women on a friendly and social equality. But if he associates with them as a husband with his wife he is guilty. The Edmunds law says, there must be an end to the relationship previously existing between polygamists. It says that relationship must cease. If

you find the defendant guilty you must find, as I said, beyond a reasonable doubt that he has cohabited with the women named, or two or more of them a portion of the time named in the indictment, to-wit: Between the first day of January, A. D. 1885, and the first day of December, A. D. 1885. The evidence introduced as to what occurred prior to the time named in the indictment is a matter for your consideration as tending to throw light upon the relation of the parties within the time charged. If there is evidence that he did or has married the women and has been living with them as his wives, that may be considered by the jury as adding weight to any circumstances proven, tending to show unlawful cohabitation during the time the offense is charged.

The law presumes the defendant innocent until proven guilty beyond a reasonable doubt. A reasonable doubt is a doubt that has some reason for its basis. It does not mean a doubt from mere caprice or groundless conjecture, but is such a doubt as a jury are able to give a reason for. If after a careful and impartial consideration of all the evidence in the case you can say and feel that you have an abiding conviction of the guilt of the defendant, and are fully satisfied of the truth of the charge, then you are satisfied beyond a reasonable doubt.

You are the sole judges of the credibility of the witnesses, the weight of the evidence and of the facts. If you find the defendant guilty you will say in your verdict, "We, the jury, find the defendant guilty in the manner and form charged in the verdict" If you find the defendant not guilty, you will say, "We, the jury, find the defendant not guilty."

CHAPTER XVII.

A VERDICT OF GUILTY AND HOW IT WAS RECEIVED.

UPON the retirement of the jury the crowd that had been in attendance for two days and had hung upon every word of witness, Court and counsel, seemed loth to depart. There were guesses of conviction and guesses of acquittal. Some friends of the accused were so sanguine that they boldly said, "justice demands" an acquittal. The numerous ladies present left, with their escorts, or in couples, but would seize upon every opportunity to make excuse for halting along their route beyond the court room. The tired bailiffs and Marshals for a time vainly suggested to the little knots of spectators that the Court would not assemble for an hour or two. There seemed to be a spell that bound them, a fascination that enchanted them to the place where the Government had put upon trial, for crime, an "Apostle" of God!

Finally the room was cleared and the crowd scattered; some to private homes, some to resorts about town, others gathered in little knots and in low tones talked over the scenes of the day and the yesterday. The Judge and some of the counsel, meantime, hastened to their hotel to rest and be refreshed. At every hand they were met only to be spoken to more or less anxiously. There was an uneasy, a restless grouping together of people on every hand. A messenger arrived and made inquiry for the Judge. Mr. Tyler informed him that he was in his private room. Curiosity and inquiry were aroused. A short message, quietly spoken, informed the Judge that the Jury had agreed. The officer was told to go back and tell the jury that a recess had been taken till 7:30, and that it was useless before that hour for them to return to the court room.

Time wore on. The minutes that passed counted no less distinctly the pulsations and beatings of anxious hearts, than they numbered the dying moments of the year that was fast being registered in the books of Time.

Presently the great crowd moved to the court room. Deputy Hansen opened wide the doors. The jury were there. The court, the lawyers, the officers and the accused were also there. Slowly, led by her escort, came the best beloved wife of the Apostle. Another one of his wives followed, and close behind her came the lovliest woman in Utah—Mrs. Lorenzo Snow, Jr., wife of the Apostle's son. They seated themselves near

the "Apostle." A hush at once settled upon the murmuring assemblage. The foreman, at the call of the clerk, responded "Guilty."

The silence was then painful. The newspaper men, trained for such occasions, watched the faces of the accused and his wives intently. Not a movement of muscle marked the "Apostle's" face. Naught but a paler shade told of "Minnie's" feelings. Richards, of defendant's counsel, arose, apparently with effort, to give notice of a motion for a new trial and to ask for indulgence in the preparation of papers. It was granted.

The calm man who sat there, the symbol of this Republic's power and justice, quietly directed the order of hearing cases hereafter, and adjourned the Court. An "Apostle" had been tried, an "Apostle" had been convicted, and yet the man who had so skillfully controlled the great throng who had gathered there filled with hope, hate and happiness, quietly left the room, and seemed unmindful of the fact that for forty-eight hours he had been making history!

A word more. There were some distinctive features about the case that should not, in justice, be lost sight of: Some of them were these. Judge Powers presided. The case was unlike any yet tried in Utah, in this, that it was one of the "segregated" cases. It was not tried at the "Center of Utah," and was marked by a liberality of intelligence that always characterizes that presiding officer. Again, it was a most notable case, both as to the person accused and convicted, and the counsel defending—several of Utah's most trusty lawyers, in the belief and judgment of the Mormon Church. The prosecution was conducted by one man—Vic. Bierbower—the Assistant of the present District Attorney of Utah. He was alone. He was newly appointed and, to Utah Courts, a stranger. He managed his case with dignity, tempered with suavity; with coolness, coupled with vigor; with courageous intelligence, unblurred by browbeating or self-importance, and in doing this he won the respect of all within and without the bar, and filled the official place he has been called to occupy, with credit to himself, and with fidelity to his profession and his Government; and he did it without assistance.

The counsel for defendant presented their case most admirably. Stripped of the declamation and sophomoric features of one of the addresses, the defendant's counsel proved themselves masters alike of the Damascus blade of Saladin, and the ponderous battle-ax of Richard. And to crown the whole, not a dissenting voice is heard as to the trials propriety, and the community acquiesces in this vindication of the law.

The motion for a new trial was set for 10 a. m. Friday, January 8th. The accused—still on bail in this case and two others of like nature, which were set for hearing on the following Monday, January 10th, 1886—left with his women and friends for his home.

CHAPTER XVIII.

A NEWSPAPER MAN MORALIZES OVER THE EVENT.

THUS another act in the Apostle's life-drama ended. While the actors are shifting the scenery and preparing for their next appearance on the busy stage, let the reader contemplate some of the striking pictures that were presented during those two eventful days of the dying year. Here is one of which, in the midst of Wednesday's proceedings, the writer made this picture for the 'cold types.' It must have impressed, deeply and sadly, every man and woman who beheld it and thinks freely and fearlessly, unfettered by fanaticism and unurged by guilt.

"A man—seventy-two years of age, born in the boasted State of Ohio, where Liberty and Virtue are claimed as being indigenous to the very soil, and with the inhalations of her free air, nurtured and grown strong—was upon trial for willfully violating a law of his native land, made to protect society, purity, morality and the sanctity of the home.

"He is a sensible man, a reading and an educated man. He claims to be a loyal man and a gentleman. He sat there unmoved amid the great, smothered feeling that filled the bosoms of many spectators. Without movement or visible emotion, he heard and intently listened to the facts sworn to by a cloud of witnesses. Yea, he went further; he told his attorneys to save time by admitting that he had had ten and now has seven wives!

"This would seem bad enough, but, worse than this, these seven women were there. As a general thing they testified freely. They did not disclose, as they coolly gave in their evidence, aught but a glorification in the publicity of their proven shame. Some of them are old and tottering now; some of middle age, one of them young, with an infant in her arms. And yet these women heard it stated; heard it admitted; yea, themselves declared that that man for years had been carnally and constantly using and cohabiting with them in a common way! And that as fast as one of them would get old, worn, wrinkled and uninviting, she would be set aside and left to die, and the man betake himself to the younger and, to him, more inviting ones to gratify his passions as a male member of humanity! And this, too, by virtue of a pretended command

of Almighty God whose curse has been pronounced upon adulterers and fornicators.

"Old sows are sometimes put in pens, fed and fattened for slaughter. Sometimes, too, old cows are treated in a similar way. Stories are told of old mares turned loose upon the commons to find such pickings as they might until death relieved them. But the masters who did these things were generally heartless, brutal men, and the poor old animals unable to help themselves. But here are women, the presumption is educated women. Women who have borne children (for a Mormon hates a barren woman) and ought to know a mother's, if not a husband's love, who coolly sit in a Court of public justice and tell the world, without a blush or regret, that as fast as they grew old the companion of their youth would pen them off separately, feed them and shelter them, just like so many old cattle, and provide for their needs until they shall die! While the younger ones of the harem were kept, associated with and used for breeding purposes!

"Merciful God! Does it seem possible that fanaticism can so blind a woman whom Nature made to be a mother, a wife? Does it seem possible that self-respect can so wither? That decency and love can be so utterly wanting? And yet what is here related was stated by these women, under oath, in a Court of Justice upon the trial of their 'husband.'

"Enough. Let the subject drop. Shame for our fair country. Shame for the victims themselves; shame for Virtue; shame for ourselves bid us, in pity and in loathing, ring down the curtain."

CHAPTER XIX.

OPINIONS OF BOTH MORMONS AND GENTILES ON THE RESULT.

AS MIGHT very naturally be expected, the conviction of Lorenzo Snow stirred the community of the Mormons to its very depths. It was the theme of discussion everywhere. Mormons vied with one another in denunciation of the Court, and its officers and curses upon the Government of the United States. Upon the head of Senator George F. Edmunds especially were anathemas heaped by the Mormon press. He was the Satan, in their opinion. The evil of the evil ones. The non-Mormons said nothing, but with eyes brightened by a hope, with hearts lightened by the belief that at last the Government was about to enforce the law, which aims to purge, to purify and protect society and the American's home, they moved steadily along their ways.

To the thoughtful man and woman the conviction of the "Apostle" Lorenzo Snow was pregnant and gave rise to many serious reflections. The trial itself added facts to history—facts that have been heretofore hidden, or obscured amid a cloud of misapprehension, misrepresentation and contradiction.

First and prominent, among the facts, it is now positively known that the generally taught and generally believed doctrine that there was no polygamy practiced by the Mormons in the early and infant days of the "Mormon Church," is a falsehood. "Harriet," one of the "Snow family," testified that she married Snow forty years ago at Nauvoo. "In 1846, in Nauvoo, I became his fourth wife, he having married before that time three other women, two of whom he married on the same day." These were the witness' words, maintained and unchallenged.

The doctrine, therefore, that polygamy was first practiced because of a divine revelation to some one subsequent to the early days of the Church, falls flat, and is a deception and a lie, and adds one more fact to history. No matter what sort of pretended "revelation" might have been claimed as made to anybody, the fact is that polygamy was practiced by Lorenzo Snow, one of their present "Apostles," in 1846, in Nauvoo, before Utah had been reached by the Mormons. And "Harriet," fourth wife of Snow, testified to it in a Court where her polygamous husband was on trial for "unlawful cohabitation," and whereof he was convicted by a jury accepted by himself, without protest.

Another fact deducible from the circumstances disclosed in the Snow trial, and as satisfactorily established as if orally stated by witnesses under oath, is that the leaders of the Mormon people recognize the criminal character of their polygamous conduct and habit; and, to preserve themselves secure in the faith of their followers, who, otherwise would naturally begin to doubt their divine authority, are preparing to play still further upon their credulity and ignorance, by bowing with pretended humility to the sentence of the law upon their crimes, and with assumed lowliness of mien, to receive the punishment for their offenses as a visitation of the wicked upon the righteous. They propose, knowing the ignorant faith of the masses of their followers, to pose as martyrs for the practice of their almost bestial lust in the name of virtue, of morality, of religion and of God. And, indeed, giving them the credit of shrewdness, unscrupulousness and worldly wisdom—a credit that justly belongs to these leaders—this is about the only course for them to pursue, in order that they may, even for a little while longer, hold control of their subjects' conscience, conduct and purse.

Another fact brought out and undenied on the Snow trial is significant and pregnant with meaning, especially to the masses of the Mormon people. It is this: The Mormon Apostles do not believe polygamy is divine or right. It was shown that Snow, against whom, before November, 1885, no charge or indictment existed, had long ago penned off his worn-out women, set them apart in separate establishments, provided stone walls and seven-foot fences about their habitations to render his visits unseen and practically invisible, and beneath the flooring of the house of one woman, whom he lived with as the tenth of his herd, in point of time of marriage, he had constructed a cave, or secret cellar, approachable only by two trap doors, one of which was hidden by a carpet spread on the ground floor of the house proper. In this dug out, or underground hiding place, he was found, strangely enough by the actions and whinings of a dog kept as a guard for this one of his "homes," after his "companion" above him had declared, and repeatedly declared he had been absent for months and was then nowhere in the vicinity!

Would an "Apostle," prophet, servant, or what you will, of God Almighty, whose mission is to teach His divine will, to lead the people along the path and practices of His orders and commandments, be found, even before he is accused of earthly crime, penning off his wives given him by God, and digging a hole to hide in beneath the house of his tenth God-given companion? Would such a divinely ordained "Saint" have trusted his safety, and his personal freedom from arrest by a Deputy Marshal of Utah, more to a tied-up dog, a ready tongued woman and an eight foot dug-out or cellar, than he would to the power and protection of Almighty God? Ask yourselves, reader, and answer. Is not the

knowledge of sin, the consciousness of guilt, the true cause of such conduct on the part of a man who, if he really believes in the rectitude of his life and conduct, would boldly, bravely, confidently have stepped forth and met the accusers, safe in the knowledge that God the Almighty was his protector, his master, his support?

This "Apostle" read the handwriting on the wall. His race as a pretended mouth-piece or agent of the God of humanity, and of true religion, was, he saw plainly, drawing to an end. The mask of hypocrisy and pretense of divine authority he had paraded for forty years, was about to be snatched from his true character. His brutish lechery that had worn out about six, and buried three misguided women, and the mercy of a Governmeut that legitimated their offspring years after birth, all passed before his mental vision, and with them walked in company the ghost of his facilities for living at ease upon the credulity and money of his dupes, and the wretched man, brought to bay before the grim, never-faltering figure of Justice, paled, trembled and turned from the victims of his conduct and the gatherings of his lifetime, to run into his underground hole, and to hide himself and his presence from the pressing footsteps of that Justice!

No man, honest in his convictions, will run and hide from an accountability for his deeds done by virtue of those convictions. Apostle Lorenzo Snow did run and did hide.

CHAPTER XX.

SNOW'S PLEA WHY SENTENCE SHOULD NOT BE PRONOUNCED.

AS THE 10th day of January drew nigh the popular excitement and anxiety, that had to some little extent subsided during the first two weeks of the new year, whose festivities somewhat diverted the people's thoughts, were renewed, for that day had been fixed upon to pronounce sentence upon Lorenzo Snow, should his motion for a new trial, that was argued some weeks before, be overruled.

At an early hour of the tenth a vast throng moved towards the U. S. Court House and when the doors were opened filled every available place. It was in interest and numbers a reproduction of the attendance during the two days of the "Apostle's" trial in December.

Soon after opening Court, Judge Powers took up the three cases against Lorenzo Snow, remarking that he could decide the question raised in all of them by one ruling. It must be recollected that Snow had had his trial in all three cases, and had been convicted, although this narrative is confiined to only one of them. The other two cases were similar in all respects to this, except, that counsel raised the legal question that the indictment, trial and conviction of the defendant in one case—say for 1885—for violation of the Edmunds law, whose limitation of time includes and covers a period of three years next preceding the finding of the indictment, was an estoppel to any other indictment for any similar offense, alleged to have been committed within the three years next preceding the date of the first indictment. The two other cases against Lorenzo Snow, as before stated, were of this character, and that class of cases are known to the Courts and the bar as "segregated cases." Upon the question of their being maintainable or not the opinion of the Supreme Court, rendered in one of these Snow cases will be given hereafter in this volume.

The motions for new trial having been disposed of by refusal, nothing remained for the Court to do but pronounce judgment and sentence upon the convicted "Apostle."

"Lorenzo Snow, you will stand up," spoke the Judge. The gray haired convict arose. He had evidently schooled himself for the occasion and maintained a calm, dignified bearing as he looked the Court steadily and straight in the eye. The vast crowd about him leaned forward, anx-

ious to catch even a whisper that might fall from the lips of the Court or the convict. The Judge reminded him of the various steps already had in the trial and that nothing now remained for this Court to do except to pronounce the sentence of the law upon him. "Have you anything to say now, why sentence should not be pronounced upon you upon the three verdicts of guilty lately returned by the juries?" said the Judge. Thereupon the convicted man, with marked manner, clear but impressive voice, so skillfully modulated and toned that it was readily seen what an accomplished man he is, spoke as follows:

"Your Honor, I wish to address this Court kindly, respectfully, and especially without giving offense.

During my trials, under three indictments, the Court has manifested courtesy and patience, and I trust your Honor has still a liberal supply, from which your prisoner at the bar indulges the hope that further exercise of those happy qualities may be anticipated.

In the first place, the Court will please allow me to express my thanks and gratitude to my learned attorneys for their able and zealous efforts in conducting my defense.

In reference to the prosecuting attorney, Mr. Bierbower, I pardon him for his ungenerous expressions, his apparent false coloring and seeming abuse. The entire lack of evidence in the case against me on which to argue that line of speech was his only alternative in which to display his eloquence; yet, in all his endeavors, he failed to cast more obloquy on me than was heaped on our Savior.

I stand in the presence of this Court a loyal, free-born American Citizen; now, as ever, a true advocate for Justice and Liberty. 'The land of the free, the home of the brave" has been the pride of my youth and the boast of my riper years.

When abroad in foreign lands laboring in the interest of humanity, I have pointed proudly, to the land of my birth as an asylum for the oppressed.

I have ever felt to honor the laws and institutions of my country, and, during the progress of my trials, whatever evidence has been introduced has shown my innocence. But, like ancient Apostles when arraigned in Pagan Courts, and in the presence of apostate Hebrew Judges, though innocent, they were pronounced guilty. So myself, an Apostle who bears witness by virtue of his calling and the revelations of God, that Jesus lives—that he is the Son of God; though guiltless of crime, here, in a Christian Court I have been convicted through the prejudice and popular sentiment of a so-called, Christian Nation.

In ancient times, the Jewish Nation and Roman Empire, stood versus the Apostles. Now, under an apostate Christianity, the United States of America stands, versus Apostle Lorenzo Snow.

Inasmush as frequent reference has been made to my Apostleship, by the prosecution, it becomes proper for me to explain some essential qualifications of an Apostle. First, an Apostle must possess a Divine knowledge by revelation from God, that Jesus lives—that he is the Son of the living God.

Secondly, he must be divinely authorized to promise the Holy Ghost; a Divine principle that reveals the things of God, making known His will and purposes, leading into all truth, and showing things to come, as declared by the Savior.

Thirdly, he is commissioned by the power of God, to administer the sacred ordinances of the Gospel, which are confirmed to each individual, by a Divine testimony. Thousands of people now dweliing in these mountain vales, who received these ordinances through my administrations, are living witnesses of the truth of my statement.

As an Apostle, I have visited many nations and kingdoms, bearing this testimony to all classes of people—to men in the highest official stations among whom may be mentioned a President of the French Republic. I have also presented works embracing our faith and doctrine to Queen Victoria and the late Prince Albert of England.

Respecting the doctrine of plural or celestial marriage, to which the prosecution so often referred, it was revealed to me and, afterward in '43, fully explained to me by Joseph Smith, the Prophet.

I married my wives because God commanded it. The ceremony which united us for time and eternity was performed by a servant of God, having authority. God being my helper, I would prefer to die a thousand deaths than renounce my wives and violate these sacred obligations.

The prosecuting attorney was quite mistaken in saying "the defendant, Mr. Snow, was the most scholarly and brightest light of the Apostles,' and equally wrong when pleading with the jury to assist him and the 'United States of America,' in convicting Apostle Snow, and he 'would predict that a new revelation would soon follow changing the Divine law of Celestial marriage.'

Whatever fame Mr. Bierbower may have, secured as a lawyer, he certainly will fail as a prophet. The severest persecutions have never been followed by revelations, changing a Divine law, obedience to which, brought imprisonment or martyrdom.

Though I go to prison, God will not change His law of Celestial marriage. But the man, the people, the nation that oppose and fight against this doctrine and the Church of God will be overthrown.

Though the Presidency of the Church and the Twelve Apostles should suffer martyrdom, there will remain over 4,000 Seventies, all Apostles of the Son of God, and were these to be slain, there still would remain many thousand High Priests and as many, or more Elders, all possessing the same authority to administer Gospel ordinances.

In conclusion, I solemnly testify, in the name of Jesus, the so called "Mormon Church" is the Church of the living God; established on the Rock of Revelation, against which "the gates of hell cannot prevail."

By the Court: The Court desires to ask you, for its own information, what course you propose for the future concerning the laws of your country.

Mr. Snow: Your Honor, in regard to that question, the prosecution had some sixteen witnesses. Through or by these witnesses I was proven guiltless of the charge contained in the indictment. There was not, your Honor, one scintilla of evidence showing that I had unlawfully cohabited during the last three years or since the passage of the Edmunds law; that I had cohabited with more than one woman. That your Honor, I believe, will concede, I believe. I have obeyed that law. I have obeyed the Edmunds law. Your Honor, I am guiltless, I am innocent.

Well, now, your Honor asks me what I am going to do in reference to the future. I have been found guilty after having obeyed that law. I am sorry, I regret that your Honor should ask me that question, and if your Honor please, I should prefer not to answer it.

CHAPTER XXI.

THE JUDGMENT OF THE COURT PRONOUNCED.

JUDGE POWERS then said: Mr. Snow, from its knowledge of you and your reputation, which came to the Court, however, before you were arraigned here, the Court became, and is, aware that you are a scholar. The Court is aware that you are a natural leader of men; that you have a mind well adapted to controlling others and for guiding others no matter in what land you may have been placed. You have these attributes and would naturally cause people to turn toward you for advice and for counsel. You are a man well advanced in years, and you have been favored by time because it seems to me he has touched you but lightly with his finger.

The Court feels that, in view of your past life, of the teachings you have given to this people, of the advice and counsel you must have given, and recognizing further that you are among other leaders the leader of leaders and in this should advocate that it is right that the law of the land should not be violated, it cannot exercise the leniency and mercy it would be called to extend to a man of your age, if it were not for your great influence and great power for good or for evil. I sincerely believe that Lorenzo Snow could cause the people of this Territory to obey the laws of the nation if he chose so to do. But his example is one who advocates, and he is charged also with a practical violation of the law. The Court must pass sentence in this case in a way and manner that will indicate to the people that the laws of the land cannot be violated with impunity, even by one whose age, learning and influence is equal to yours. The sentence of the Court is that you be confined in the U. S. penitentiary at Salt Lake City, in Utah Territory, for the period of six months, and pay a fine of three hundred dollars, and the costs of this prosecution and be committed to the custody of the United States Marshal of Utah until such fine and costs are paid.

The same sentences were pronounced in each of the two other cases in which the defendant had been found guilty; the three cases aggregating eighteen months confinement in the penitentiary and nine hundred dollars fines with the costs of the prosecution in each case.

The defendant was on motion of his counsel allowed to go on the bail furnished. Meanwhile the necessary steps for perfecting his appeal to

the Supreme Court of Utah Territory were ordered to be speedily prepared to insure a hearing of the cause at the February term of that Court. And then again the curtain was rung down for a time.

J. W. Greenman, Chief Deputy. U S.D.Marshal. John Cudihee, U.S.Marshal. E A.Ireland, U. S D. M. E A. Franks, Chief Clerk. L.B.S.Miller, U.S.D.M. T.Smith, U.S.D.M. J.Gleason, U.S.D.M. O Vandercook, U.S.Deputy Marshal.

CHAPTER XXII.

THE SUPREME COURT AFFIRMS THE FINDING OF THE COURT BELOW.

THAT the reader may follow the legal steps in this great trial with greater ease, let us now continue their consideration, returning to the movements of the "Apostle" hereafter.

As we have already seen, Snow's attorneys appealed in each case decided in the District Court against him to the Supreme Court of the Territory of Utah. Pending the hearing and decision of that Court the convict was on bail.

The cases were heard together and on Saturday, February 16th, 1886, at Salt Lake, the Supreme Court rendered its decision in the case charging Snow with crime during the year 1885. The Court was unanimous in its decision, and sustained Judge Powers' action and rulings throughout. The entire Court—Chief Justice Zane, Justices Boreman and Powers —were present during the presentation of the case by District Attorney W. H. Dickson and the aforementioned counsel of Snow. Chief Justice Zane delivered the opinion of the Court as follows:

Zane, C. J.—The defendant was convicted of the crime of unlawful cohabitation, and sentenced to imprisonment in the penitentiary for the term of six months, and to pay a fine of three hundred dollars and the costs of the prosecution. From this judgment he has appealed to this Court, and insists that the evidence is insufficient to justify the verdict.

At the commencement of the trial the defendant admitted before the Court and jury that he had married each of the seven women named in the indictment; had not been divorced from either, and that he claimed all of them as his wives and furnished them support.

It appears from the evidence that appellant was first married more than forty years ago in Nauvoo, Illinois, to two women, Adeline and Charlotte, at the same time and by one ceremony (the latter of the two women has since died); and that he has since married, in the order named, Sarah, Harriet, Eleanor, Mary, Phœbe and Minnie, also one other, Caroline (now deceased). The last marriage was in 1871. The first marriage was unlawful, because the marriage with two women at the same time is void. Therefore Sarah is the lawful wife. The evidence shows, and is admitted by defendant, that he has lived and cohab-

ited with the youngest and last wife since his marriage to her, and that she has four children, the youngest being three months old.

Sarah Snow, the lawful wife, was introduced as a witness without objection, and, with other testimony, gave the following: She married defendant about forty years ago, and now has grown children by him, she lives at the old homestead, in company with Harriet and Eleanor, and has been living there nearly thirty years; five years ago Minnie lived in one wing of the old homestead and defendant lived with her, their social intercourse has been friendly, and he calls on her occasionally, he calls on her less frequently as he grows older. In answer to the question: "State if it is not about the only difference in your relations in living that he does not call to see you as often as he did formerly?" witness stated: "Well, sometimes he calls and sometimes he don't call. I do not see him as much as I did five years ago; he does not visit me as much as he did when he boarded with me." Witness also said on cross-examination that she has five children, that two live at home, and the youngest is twenty-two years old; that defendant, whenever he goes home, passes by the door—that being one way to go, passing through the lot; that witness went away in the spring of 1885, and that the defendant was away six or seven months; that he had called on her two or three times during 1885, and would remain perhaps half an hour; that since defendant moved to the new brick house with his last wife he has never slept in the house where witness slept, and no room is kept for him; that when he came he would generally be busy with their son; that his calls of late were principally with their son; that he would inquire if they were getting along all right.

Harriet Snow, another wife, stated that she was married to defendant forty years ago, in December of that year, that he is the father of her children, and that she lives in her own home, which appellant provided for her and that he arranges for her support; that he had visited her a few times during the year 1885, somotimes to enquire about the children; that she could not say how often he visited her, but he did visit her; witness was asked if there was any difference between their relations during the last years (1885) and those of six years ago; to which question she answered: "A good deal; in my younger days, I lived with him as a wife, and raised him children. Now I am an old lady and I do not consider the relations binding upon him in my younger days to be so now. I do not live with him in the same way." Mary Snow also answered the interrogatory: "Is it not true that he has not called as he used to, and is not that the only difference?" in the following words: "He does not call so much for the reason that he has been away from town. He does not visit me as much as he did a number of years ago." To the further question: "Then the reason he visited

you less, was because he was away a great portion of the year?" she answered, "Yes, I guess so; he has been away the last year." Eleanor Snow, another polygamous wife, among other things stated: "I guess I recognized him as my husband and he me as wife during 1885; don't know; the difference in our relationship the last year and formerly is he does not live at my place. I guess the only difference is he is not in my company so much—you understand. Previous to that, he visited and dined with me once in a while. When he dined with me, it was with me and my children, unless there was company to these family gatherings. Mr. Snow occupied the position as head of the family and occupies the head of the table when he is there; his friends all put him at the head of the table." Dr. J. B. Carrington testified that, in 1885, he saw defendant in company with Sarah—out riding with her; another woman was in the carriage—thought it was Harriet; that he also saw defendant and Sarah sitting together in the theater, in the part of the house usually occupied by the Snow family, and that they afterwards went out together. In the city where defendant lives, he and his various wives and their families appear from their evidence to be regarded by all as one family, and this family has a place assigned to it in the theater apart from other people; that each wife and her family are regarded as a portion of defendant's family—of the Snow family—and that the appellant is regarded as the head of this entire family by each member of it. In 1885 the last witness saw defendant go in and come out through the gate in front of the old homestead, where Sarah and two of his polygamous wives lived, but witness did not see him go in or come out of that house. The officer who arrested appellant testified that after he had searched defendant's house he discovered a carpet that had been ripped, and on examination found underneath the carpet a trap door, and under that door a small apartment, and back of that another apartment, and in that apartment he found defendant. Defendant did not come out when called, until the officer made preparations to break the door; defendant then said: "All right, I am coming out," and when he came out, he said further: "That is all right, boys; you have done your duty; come and take a drink with me."

It appears from the evidence that appellant boards and lodges with his last wife and visits his other wives occasionally, though not very often; that during the year 1885 he has not lodged or taken a meal with any one of the others; that he furnishes them houses to live in and supports them; that he introduces them publicly as his wives, and by his language and conduct holds them out to the world as such. The evidence proved beyond controversy that defendant cohabits with his polygamous wife, Minnie. The remaining fact to be found from the evidence is, has he at any time during the year 1885, cohabited with the other

women named in the indictment or any one of them? It appears from the evidence that defendant is seventy-two years old, and has married nine wives, and that seven of those wives are still living. To the first he was married in his youth. As his passion for one wife became satiated and dulled by indulgence and gratification, and as his lust was again kindled by the appearance of a younger and fresher, or possibly a more attractive woman, he would marry again, until his marriages have been repeated nine times, and now at the age of seventy-two years he is found with seven living wives—the last being comparatively young with an infant in her arms. He furnishes homes for, supports, associates with, claims, holds out, and flaunts in the face of society all these seven women as his wives. And yet he says he cohabits with but one. The law must characterize his relation to them, and his intercourse and association with them. Let us consider the case with respect to Sarah, his lawful wife.

A lawful marriage of itself affords a strong presumption of matrimonial cohabitation, because such cohabitation is in accordance with duty and usually attends such a marriage. When to this presumption are added the further inferences from the following facts, that defendant claimed Sarah all the time as his wife, and that she claims to be such; that he provides for her a home and the necessaries and comforts of life; that they were on good terms; that he took her to the theater, out riding, visited her occasionally at her home and was the father of her children. The conclusion removes every reasonable doubt that he cohabited with her as his wife. When they were associating together, she was not his paramour or his friend simply—he then had and still has all the rights and opportunities of a husband, and she those of a wife. They were living and were together. Under such circumstances the law will not permit them to say they were together merely as friends and not as husband and wife.

CHAPTER XXIII.

THE JUDGES DEFINE THE LAW ON COHABITATION.

THE opinion continues: It is not essential to matrimonial cohabitation that the parties should be together all the time if their intercourse and relations are agreeable and they associate together some part of the time. In that case the law does not notice the intervals of separation. Owing to the necessities of human life, and the claims of business and trade, married people are often in each others company less for long periods than the defendant and his wife Sarah were during the year 1885, and yet they are regarded as cohabiting as man and wife. Such is often the case with mariners, traveling salesmen, and other classes of persons that could be mentioned. They associate at long intervals and are regarded as cohabiting.

C. The third section of the Act of Congress of March 22d, 1882, was intended to reach such conduct as the evidence proves the defendant guilty of—"If any male person * * * * * * * * * * * * cohabits with more than one woman he shall be deemed guilty of a misdemeanor," etc. When the entire act, of which the above quotation is a part, is taken and considered together in the light of the occasion and necessity of its enactment, and of the evil it was intended to remedy, we are of the opinion that the term cohabit should be given a broad meaning. In construing the term, regard should be had to the spirit and general intent of the act. "It is an established rule in the exposition of statutes that the intention of the lawgiver is to be deduced from a view of the whole and every part of a statute, taken and compared together. When the words of a statute are not explicit, the intention is to be collected from the context—from the occasion and necessity of the law—from the mischief felt—and the object and remedy in view; and the intention is to be taken or presumed according to what is consonant to reason and good discretion." This was the rule laid down by Plowden, pp. 10, 67,205,363, and by these maxims Chancellor Kent affirms, "the sages of the law have ever been guided in searching for the intention of the legislature," and commends them, "as maxims of sound interpretation, which have been accumulated by the experience and ratified by the approbation of ages." 1 Kent Comm. 4627. Potter's Dwarris on Statutes and Constitutions, p. 196, note 13.

In construing the term cohabitation as used in the act under consideration, the Supreme Court of the United States says in the case of the United States vs. Cannon (not yet reported): "It is the practice of unlawful cohabitation with more than one woman that is aimed at—a cohabitation classed with polygamy and having its outward semblance. It is not on the one hand meretricious unmarital intercourse with more than one woman. General legislation as to lewd practices is left to the Territorial Government. Nor on the other hand does the statute pry into the intimacies of the marriage relation. But it seeks not only to punish bigamy and polygamy, when direct proof of the existence of those relations can be made, but to prevent a man from flaunting in the face of the world the ostentation and opportunities of a bigamous household with all the outward appearance of the continuance of the same relations which existed before the act was passed, and without reference to what may occur in the privacy of those relations."

This Court, speaking by Boreman, J., said: "What then was the object of the Congress in enacting this statute? It was, judging from the whole act, intended to break up polygamy and the practice thereof"—Pacific Reporter, Vol. 7, No. 7; p. 374. The opinion of this Court in the case of United States vs. Musser, (1 ibid. p. 391) is to the same effect: It appears plain that the intention was to protect the monogamous marriage, by prohibiting all other marriages, either in form or in appearance only, whether evidenced by a ceremony, or by conduct and circumstances alone. * * * * *. The end of the law was a protection of the monogamous marriage, and the suppression of polygamy and unlawful cohabitation were but means to that end. It is proper also to take into consideration the conditions as the National Legislature anticipated them—in which the law was to be applied and enforced. They knew the time had elapsed within which a very large portion of those living in polygamy could be punished for that offense, and that many of these were among the most influential men in society, being the heads of the Church; and that the example of their continuing to live with their plural wives under a claim of Divine right would be a continuing invitation and an apparent justification for their followers, either secretly or openly to violate the law. Congress therefore forbade plural marriage in appearance only, as well as in form, and by the example of punishment it doubtless intended to eradicate the example of apparent plural marriages, as well as the plural marriage in form."

The evidence against the defendant shows one of the most aggravated cases and worst examples of polygamy. He has one lawful and six plural wives living, and all of them he maintains and publicly acknowledges by introducing them as such; but claims that he is cohabiting

with but one and visiting the others when he pleases. We are of the opinion that the evidence was sufficient to justify the verdict.

The defendant excepted to certain parts of the charge given in the lower Court, and assigns the giving thereof to the jury as error. The charge appears to have been an oral one and does not consist of separate instructions. Each part of it should be regarded as qualified by the other portions. If the paragraphs excepted to were not misleading when so considered, they should not be regarded as erroneous. The portion first excepted to is: "It is not necessary that the evidence should show that the defendant and these women, or either of them, occupied the same bed, slept in the same room, or dwelt under the same roof; neither is it necessary that the evidence should show that within the time mentioned in the indictment the defendant had sexual intercourse with either of them." This was a statement of facts not necessary to be shown by the evidence and was immediately followed by a statement of essential facts as follows: "The question is, were they living in the habit and repute of marriage? The offense of cohabitation is complete when a man to all outward appearances is living and associating with two or more women as wives." When the portion of the charge objected to is taken with that which immediately followed, the jury must have understood that if the defendant and any two of his wives were living in the habit and repute of marriage, and to all outward appearance they were living and associating together as man and wife, it was not necessary to show they occupied the same bed, slept in the same room, dwelt under the same roof or that they were guilty of sexual intercourse.

The jury must have understood that it was necessary for them to believe from the evidence that the defendant and at least two of his wives lived and associated together as man and wife to all outward appearances and that it was not necessary that he should board and lodge under the same roof with one or have sexual intercourse with them. If they so understood they were not misled.

Counsel for appellant also assign as error the giving of the following as a part of the charge: "The question is, were they living in the habit and repute of marriage? The offense of cohabitation is complete when a man to all outward appearances, is living or associating with two or more women as wives. If the conduct of the defendant has been such as to lead to the belief that the parties were living as husband and wife live, then the defendant is guilty." This paragraph must be considered with the one in which the jurors were instructed that they must be satisfied of the defendant's guilt beyond a reasonable doubt before they could convict.

The defendant also excepted to the following clause of the charge and assigned the giving thereof as error: "Of course the defendant might

visit his children by the various women, he may make directions regarding their welfare; he may meet the women on terms of social equality; but if he associates with them as a husband with his wife, he is guilty. The Edmunds law says there must be an end of the relationship previously existing between polygamists. It says the relationship must cease." So much of the clause as stated that the defendant might visit his children, make directions regarding their welfare, and might meet his wives on terms of social equality was quite as favorable to the defendant as he could ask. And the further statement, "But if he associated with them as a husband with his wife he is guilty," was a rather meager statement of what had been stated more fully in the preceding part of the charge. The remark that "the Edmunds law says there must be an end to the relationship previously existing between polygamists" and that "it says the relationship must cease," was evidently made inadvertently. It was a disconnected affirmation, intended to be a declaration of the general intent and purpose of the law known as the Edmunds law. As a statement of the purpose of the law it was correct. That act was doubtless aimed at polygamy and intended to put an end to it. The statement could not be understood as a definition of the crime of unlawful cohabitation. And the jury could not have so understood it. That offense had been fully described in the preceding portion of the charge. We do not believe that this statement of the purpose of the law misled the jury and therefore it is not ground for reversal.

We are of the opinion that the exceptions of the defendant to the ruling of the trial court in admitting and refusing evidence are not well taken.

After a careful examination of this record we find no ground sufficient to reverse the judgment of the District Court, and is therefore affirmed.

POWERS, A. J. concurs.
BOREMAN, J. concurs.

On Saturday, February 13th, 1886, the Supreme Court, all the members being present, delivered the opinions of the Court in the cases charging crime upon Snow in 1883 and 1884. These opinions also sustained the action and rulings of Justice Powers on the first trials. No Judge could possibly have more grounds for satisfaction and be more entitled to the confidence and support of his Government and his fellow countrymen than this young man, who, in so short a time, had mastered fully the question that for years had baffled the statesmanship of the land, and became the problem whose solution bench, bar and Congress have been endeavoring to accomplish.

Upon the rendition of these decisions, Apostle Snow's attorneys gave notice of appeals to the Supreme Court of the United States, the last resort and the highest tribunal in the Republic. A suitable time was

granted for instituting the appeals and Apostle Snow meantime remained on bail. His bonds were in a penalty of fifteen thousand dollars, well secured. And here until the highest Court passed upon the questions so disposed of by the Utah Courts, strictly speaking, ends the immediate court trial of Lorenzo Snow, whose bond permits him to go at large, and who awaited at his harem in Brigham City the determination of those questions, which alone saved him from wearing the short hair, the clean shaven face and a convict's striped suit in the Utah pentitentiary.

But this story is not yet ended. There is much to interest the good citizen of the Union yet to be told.

CHAPTER XXIV.

HOW SNOW GLORIED IN HIS TRIAL AND CONVICTION.

ORDINARILY a man who had passed through such a trial as Lorenzo Snow had just emerged from—leaving upon the records of his country, fully sanctioned by three juries of his own people and neighbors, after hearing the testimony of his "wives" and friends, three sentences of conviction for crimes committed against decency, chastity, society, morality and his native land—would have been crushed with shame and a sense of degradation, and during the time left for him to exist in this world would endeavor to seclude himself from the public gaze and to hide his name and, if possible, his memory from the execrations of his own and coming generations.

Not so with this hoary headed offender. With a shamelessness beyond the most brazen mountebank or hardened criminal, he kept himself before the public, paraded his "plural women," decked in furbelows and finery, showy apparel and ornaments that ill became some of those wearied, faded forms, and unblushingly accepted entertainments in different places, just as though he were a decent citizen yet, loyal to the laws, proud of his country and the peer of those who render that allegiance to her behests which none but traitors refuse to render. No one would suppose to see him in public places, at social gatherings, in public halls, on railroad cars, in the Capital City of Utah, yea, in the pulpit, where truth, morality, loyalty and Christianity are supposed to be urged and promulgated, that he was the man who had so recently been declared a convict, and already decreed to serve three terms in the penitentiary for crime.

Yet such is the fact. Receptions and social parties were given him in different towns and cities. He and his seven women, most of whom are sadly "faded flowers" now, were feted and feasted, petted and partied, while he was the social lion, the demi-God of his "gang."

Before a trip to the Northern portion of Utah, this Mormon hero, now playing the role of martyr, journeyed with his harem-dwellers elsewhere throughout the Territory and the Sunday before Judge Powers sentenced him, but after his convictions, he delivered the following sermon in the Tabernacle in Brigham City, his home and the place where he kept the seven women and the wonderful co-operative store—that "combination

of spiritual and temporal interests," his sister Eliza and R. (Joe Smith's "sealed" wife), wrote so glibly about:

I am thankful for the opportunity of addressing this large audience, most of whom, I recognize as my intimate friends and associates, for whose spiritual, moral and intellectual advancement, and temporal prosperity, I have labored diligently through a period of over thirty years, ever since the establishment of its first dwelling or hamlet.

This, I presume, will prove my last opportunity, for some length of time of addressing you, being now under bonds of six thousand dollars, to appear next Saturday, the 16th inst., at Ogden, to receive sentence for cohabiting with my wives, having been pronounced guilty for the same offense, under three indictments. Undoubtedly my sentence will embrace the extreme limit the law allows—eighteen months imprisonment, nine hundred dollars fine, with costs of prosecution added.

I do not now propose to enter into details respecting the three trials under those indictments, resulting in verdicts of guilty without one particle of evidence by which to justify such verdicts—the very singular and extraordinary charge to the jury by Judge Powers—the urgent appeal of the prosecuting attorney, for the jury to assist in convicting the defendant—the eloquent and forcible arguments of my counsel—the intense anxiety of Judge Powers and the prosecution to impress the jury that it was their imperative duty to convict the defendant, as (in the language of the attorney), "He was a high official in the Mormon Church, and therefore it was expedient in the warfare against that Church, that he should be made a victim." All these matters and proceedings will be recorded and published to the world; they will be preserved and handed down as items of history for the consideration and judgment of future generations.

In passing, I will observe, however, that in the progress of my trial this fact was demonstrated—it is needless for a Latter-day Saint, occupying any position of prominence, and living his religion, to expect justice in the tribunals of this once boasted land of civil rights and religious liberty; but now, under the blighting, merciless influence of religious bigotry and sectarian fanaticism of an apostate Christianity, it is even better to look for justice in courts under the ruling powers of a moral and honest infidelity.

I was pronounced guilty of violating the Edmunds law. Previous, however, to its enactment, my wives (except the one with whom I was living) having passed the period of maternity, by mutual consent, we were living in accordance with the requirements of that law, and, this, too, without violating any principle or object embraced in the law of celestial marriage.

To "multiply," was the first commandment given to our first parents.

Purity in matrimonial intercourse, I always believed, should accompany that command, and I have always endeavored to observe faithfully its practice. I married because it was commanded of God, and commenced in plural marriage, I contracted marriage with four women about the same time, and with a mutual understanding with each that they were to be equal—neither was to take or assume the status of a first or legal wife. Two of them were united to me in the sacred bonds of matrimony at one and the same time, by the same ceremony. The other two shortly after, also at one and the same time, and in like manner.

CHAPTER XXV.

HE DEFIES THE LAW AND URGES HIS FOLLOWERS TO DO LIKEWISE.

OF ALL the witnesses introduced by the prosecution, the testimony of each tended directly to establish my innocence. The Prosecuting Attorney, when addressing the jury, said: "This case of a prominent leader of the Mormon Church is under investigation; he is one of the most scholarly and brightest lights, and we require your encouragement and assistance. The eyes of the nation are now upon you, and as loyal citizens, from you a verdict of guilty is expected; and if you heed this appeal, I can assure you, and predict emphatically, if the defendant, Mr. Snow, and a few other Mormon leaders can be secured, it will not be long before a new revelation will follow, calling for a change in the law of patriarchal marriage."

Last year one thousand sectarian ministers petitioned Congress to legislate more severely against the "Mormons," and punish them with greater cruelty; and this has been the cry and watchword of priest and people throughout the length and breadth of our unhappy country, arousing and fostering a popular feeling and sentiment that it would be right, and doing the will of God, to overthrow and destroy this kingdom which the Prophet Daniel foresaw, and which God has now established.

For many years past, my heart and feelings have been devoted to the promotion of your interests---your welfare and happiness; with what success, you, my friends, are the proper judges. I shall soon depart from your presence, and submit myself to the officers of the law, and whether I may be permitted again to address you from this stand, I cannot say—a matter, however, about which none need have the least anxiety.

I go to prison with the full assurance that I can serve God and His purposes—magnify my calling, and prove to the world, my faith and sincerity in the principles I have taught, during fifty years among many nations—that Jesus is the Son of God—that He has revealed His Priesthood, and the fullness of the ancient Gospel, and established His Church by revelation.

When I received the Apostleship, I well remember saying to my brethren, who were present, that very possibly the same sacrifices would be required of the modern Apostles as were experienced by the Apostles an-

ciently, including their persecutions and martyrdoms. I said, in receiving this sacred calling, I felt as though it were ascending an altar where, perhaps, life itself would be offered. The Lord has said: "I have decreed in my heart that I will prove you in all things, whether you will abide in my Covenant even unto death; for, if ye will not abide in my Covenant, ye are not worthy of me." Seriously considering all this, I asked myself: Am I willing to accept these conditions—to so deny myself and suffer for the glory of God, and to honor and magnify this Apostleship?

God is now feeling after us, and will disclose our secret thoughts. It would be well to purify and prepare ourselves, and in the language of the Psalmist, call upon God, saying, "Search me, O God, and know my heart; try me, and know my thoughts; and see if there be any wicked way in me, and lead me in the way everlasting."

If we succeed in passing through the approaching fiery ordeals with our fidelity and integrity unimpeached, we may expect at the close of our trials, a great and mighty outpouring of the Spirit and power of God---a great endowment upon all who shall have remained true to their covenants. We must be more eager to cultivate friendly relations with our neighbors, together with love and affection for our wives and children that peace may dwell in our households, and confidence in the midst of the people.

"Fifty millions of people" are said to be calling loudly for the extermination of the "Mormons." If it be a fact that our religion is divine, established of God, there is no cause for alarm, nor even anxiety or uneasiness. Tens of thousands, through the teachings of the sacred Gospel know it to be true---a fact, by immediate revelation to themselves. Therefore, these "fifty millions of people," are not fighting the "Mormons," or their religion, but they are fighting God and His purposes.

Israel, on the banks of the Red Sea, were God's people---a fact perfectly known to Moses; and he knew, also, what were the purposes of God, concerning them. Hence, there was no occasion for alarm or anxiety in view of the overwhelming forces of Pharoah's army, threatening immediate annihilation. God's eye was upon Israel---they were there by his direction---a fact---a revealed fact, known to Moses and Aaron, and doubtless by many others, by direct communication from God. It is true, they were placed in a frightful situation---naturally, a hopeless one from which no human power or ability could extricate them.

Israel was there, not from choice, but by the command of God; and He had arranged His own programme; yet Pharoah with his armed hosts, thought to thwart His purposes, and in the end was overthrown and destroyed; and the result of this ignorance and folly stands recorded on the page of history as a lesson to all generations.

God established the Church of Jesus Christ of Latter-day Saints, by direct revelation; this is a fact, clearly and distinctly revealed to thou-

sands. The so-called "Mormon" people, in these valleys, are the acknowledged people of God, and are here, not by their own choice, but by immediate command of God. The work and management is the Lord's—not the people's---they do His bidding, and He, alone, is responsible for the result.

We have no occasion for fear or cause for trembling---the purpose of God will be accomplished---what He has recommenced will be consummated though the combined armies of the earth should rise up and oppose. It is a fact that God has spoken, and called latter-day Israel from among the nations, and planted them in these valleys; therefore, this work is His, and, although he may lead us as He did Israel of old, into seemingly desperate situations, requiring serious sacrifices---the despoiling of homes---incarceration in prison, and even jeopardizing our very existence; and yet, it will be but for a moment, as it were, and then those trials will terminate as did Job's, in an increase of possessions; and as ancient Israel's, in a kingdom and country---honor, glory and dominion.

Some of our brethren have queried whether hereafter, they could feel themselves worthy of full fellowship with Prophets and Saints of old, who endured trials and persecutions; and with Saints of our own times who suffered in Kirtland, in Missouri and Illinois. The brethren referred to have expressed regrets that they had not been associated in those scenes of suffering. If any of these are present, I will say for the consolation of such, you have to wait but a short time and you will have similar opportunities, to your heart's content. You and I cannot be made perfect except through suffering. Jesus could not. In His prayer and agony in the Garden of Gethsemane, He foreshadowed the purifying process necessary in the lives of those whose ambition prompts them to secure the glory of a celestial kingdom. None should try to escape by resorting to any compromising measures.

All who journey, soon or late,
Must come within the garden gate,
And kneel alone, in darkness there,
And battle hard, yet not despair.

It is now proposed to enact laws to govern the "Mormon" in Utah, similar to those passed in Idaho to afflict our people, viz: "Whoever claims membership in a church or organization, teaching or practicing the principles of Patriarchal marriage, shall be deprived the right to vote or hold office." Thus we understand the time is at hand when, whosoever admits he is a Latter-day Saint, must feel the oppressive grasp of persecution. How many now here, are ready—having oil in their vessels, and lamps trimmed, and prepared for coming events?

I am not sorry, nor do I regret on account of the near approach of these fiery ordeals; the Church, no doubt, needs purifying—we have hyp-

ocrites among us—milk-and-water Saints—those professing to be Saints but doing nothing to render themselves worthy of membership; and too many of us have been pursuing worldly gains, rather than spiritual improvements—have not sought the things of God with that earnestness which becomes our profession. Trials and afflictions will cause our hearts to turn towards our Father who has so marvelously wrought out our redemption and deliverance from Babylon.

I wish to offer a word of caution to my brethren that you may beware, and commit no grave errors when brought into positions of trial and temptation. Some, unfortunately, have disregarded this injunction, and have imprinted a stain upon their character, and a blot upon their record which cannot be erased in time—perhaps not in eternity. These are fearful mistakes. Better suffer a thousand deaths than succumb to the force of persecution by promising to discard a single principle which God has revealed for our glory and exaltation. Our character as Latter-day Saints, should be preserved inviolate, at whatever cost or sacrifice. Character, approved of God is worth securing, even at the expense of a life-time of constant self-denial.

While thus living we may look forward far away into the spirit land, with full assurance that, when reaching that happy clime, we shall be crowned with the sons and daughters of God, and possess the wealth and glory of a Celestial kingdom.

Apostle Paul in his time taught the Saints to have the same mind in them as was in Christ Jesus, who, finding himself in the form of God, thought it not robbery to be equal with God. Apostle John, on the same subject says: "When Jesus appears we shall be like Him." "Every one that hath this hope in him, purifieth himself even as God is pure."

As man now is God once was—even the babe of Bethlehem, advancing to childhood—thence to boyhood, manhood, then to the Godhead. This, then is the "mark of the prize of man's high calling in Christ Jesus."

We are the offspring of God, begotten by him in the spirit world, where we partook of his nature as children here partake of the likeness of their parents. Our trials and sufferings give us experience, and establish within us principles of Godliness.

Jesus has, in our day, visited this world, and been seen of men on different occasions. He appeared on the 3d day of April, 1836, to the Prophet Joseph Smith and Oliver Cowdery, in the Temple at Kirtland, Ohio. This important visitation is described as follows:

"The veil was taken from our minds and the eyes of our understanding were opened."

"We saw the Lord standing upon the breastwork of the pulpit before us, and under his feet was a paved work of pure gold in color like amber."

"His eyes were a flame of fire, the hair of His head was white like the pure snow, His countenance shone above the brightness of the sun, and His voice was the sound of the rushing waters, even the voice of Jehovah, saying:

"I am the first and the last, I am he who liveth, I am He who was slain, I am your advocate with the Father. Behold, your sins are forgiven you, you are clean before me, therefore lift up your heads and rejoice."

"Let the hearts of your brethren rejoice, and let the hearts of all my people rejoice, who have, with their might, built this house to my name."

I now will bring my remarks to a close. In a few days I must leave family, kind friends and associates with whom I have spent so many pleasant hours in "The city I love so well"---proceed to Ogden---receive my sentence, then retire to private life within my prison walls, for "The word of God and testimony of Jesus."

I hope to address you again, many times in this life. though this may be my last---however this will be I shall expect to meet you in yonder world, clothed in robes of celestial beauty, amid the glory of the Sons of God, where grief and suffering shall have ceased---when tears no longer will moisten your cheeks, and sighs and moans no more be heard, but where peace and joy forever reign, in those realms of glory, honor and immortality."

If it were not that it is believed that its publication will serve to enable the people of this Republic to appreciate the depth of Mormon deceit, cant, hypocrisy and pretense, this sickening harangue would be thrown aside. But despite its length, it has been published for this purpose and with this hope, from among numbers more that could be published.

At another time after his conviction, accompanied by his "plurals," he rode over the Utah & Northern railway to Logan City, one of the nests of lechery, pollution and polygamy, and one of the worst dens of treason in the Territory. His coming had been proclaimed by an enslaved press; he was met and escorted in honor and pomp from the depot, afterwards holding private and public receptions and winding up the visit by a view of the Temple, devoted to treason and hypocrisy, and the dirty "Endowment House," the hotbed of lust, lasciviousness, mummery and blasphemy. And so it has been with him and others, and so it will be until the law breakers awaken to the horrors of this "ism," and wipe it and its followers from all place and power in the land.

CHAPTER XXVI.

REASONS WHY ALL MORMONS ARE CRIMINALS.

THERE are some things so solemn that they should be considered and examined only with the most thoughtful care. There are periods in the lives of men and of nations which are too momentous to be touched upon except with caution and earnestness. In their examination there is no place for vanity, exaggeration, boasting, threats or cowardice. They are deep, broad and mighty. The intelligent man recognizes this fact and treats them accordingly. As in life the superficial observer sees the lightnings flash and hears the thunders roll about the point of the mountain, so the thoughtful man considers the great powers of nature that pervade the universe in silence.

In a spirit of such calm deliberation has the writer endeavored to examine the Mormon problem, and in all seriousness, fully aware of the meaning of his words, maintains the proposition that all Mormons are criminals tested by the laws of morality, advanced society and the American Republic.

In this place we are discussing the naked proposition that all the members of the organization known as the Latter-day Saints are criminals. We are not discussing any remedy, or suggesting any policy for curing this state of facts, and now call your attention to this great fact, not remedy, for it.

This organization, popularly known as a "Church," is a blending indissolubly together of matters spiritual and matters temporal. It deals directly with men's affairs in this life and assumes control of those affairs in the world to come. It reaches its members under the pretense of God-given authority and makes them responsible to it over and above any and all man-made laws. It declares in so many words, that no government is binding on its people whose mandates emanate from man; that only those laws are mandatory and to be obeyed that come direct from God to Mormon self-styled priests.

It teaches and enforces blind, perfect and implicit obedience to its orders as given by its head men, as commands delivered to them by the God of the world direct and in person. It teaches that any rule or law of earthly making that in any way conflicts with these "inspired" directions, spoken to these head-men by Jehovah, is null, void and not to be

obeyed, and with power over body in this world and power over soul in the world to come, the head-men enjoin, enforce and compel that blind obedience. Their "Church" knows no "new trial," it grants no "appeal." Its order once entered is final, and its enforcement means not only death to the disobedient's body, but death to his soul.

To control its followers; to enforce obedience to its secret laws, it has consummated an organization which only deceit, hypocrisy, daring immorality, despotism and treason could initiate, maintain and operate. Let's look at it.

CHAPTER XXVII.

SOMETHING ABOUT THE CHURCH ORGANIZATION.

IN 1880 this Church had as officers and members as follows: As their members increase and the Territory occupied is extended, the minor officers and the members do likewise.

First, One President and two High Priests; these compose the First Presidency. A Quorum or Council of Twelve Apostles (Lorenzo Snow is one of the oldest of these), eight Patriarchs, also High Priests, ministers numbering 3,207; one Presiding Bishop with two Counsellors; one Patriarch of the Church; members of Seventies (a church organization) 4,138; Elders, 10,085; Priest, 1,290; teachers (church dogmas), 1,459; Deacons, 3,212; twenty-three stakes, or districts cover the general Church organization, presided over by a President and two Counsellors, who are High Priests. Stakes are divided into wards, with a Bishop and two Counsellors, who are also High Priests. Bishops number 260. High Priests 520. Villages scattered are controlled by a presiding Priest whose order is law.

The members of the organization in the United States number nearly 300,000 to-day. They have branches in every State and Territory, also in nearly every country in Europe, New Zealand, and nearly all the Pacific Islands, and are preparing to place an immense colony in Mexico, where, in Sonora, adjacent to Arizona, they have secured several millions of acres of land, and paid for it.

They have innumerable temples, tabernacles, etc., but no schools, except those where the entire dogmas of the sect are taught as binding by order of God. The people of wards are wholly subject to the control of their immediate officer, the Bishop, who reports to the Stake President, who reports to the Chief or President of the Church and the two High Priests; these three, known as the "First Presidency." The Bishop controls every action and interest of the ward people. He holds court, directs and finally decides all affairs temporal and spiritual. He hears and summarily tries all transgressors and recognizes no other earthly authority, except the appeals (which are provided for through the intermedate organizations) to the "First Presidency," of which the President (John Taylor), is Chief, and the mouthpiece of Jehovah. So with stakes, etc., the entire organization forming one absolute government is respon-

sible to no earthly power, recognizes no laws except those spoken by the Almighty through John Taylor or whomever may be the President.

Besides this organized power and absolute control over the property, body and soul of the members, the Church has another great hold. It collects yearly one-tenth of all income and products, as tithes. This fund is used by the head of the Church as he sees fit, without responsibility to anybody, or liability to make account of how it is used. In 1880 the amount of Church money collected from tithes, and the numerous other taxes or funds was over $1,000,000. In 1885 it was more, because the "Church" by telling the people their religion was in danger and their leaders being persecuted for religion's sake, was enabled to gather large additional sums. What becomes of this immense sum a non-Mormon and nine hundred and ninety-nine in the thousand of Mormons cannot tell. But the head men from high to low are all rich.

Besides this there is in nearly every settlement a "Co-operative Mercantile Institute," which was originated to boycott Gentiles and apostate Mormons in Utah, but it turned out to be such a "bonanza" to the Mormons (all head men in the Church), and such an easy way to get the people's money and earnings at a nominal price, and to appropriate in the name of the Church, that the managers are now the "money kings" of the country and still go on demanding and collecting.

Here then is seen what instruments of power the leaders have, what control they exercise without accountability to anyone but themselves and co-workers. Bear well in mind that the Mormons recognize no fealty, loyalty, allegiance or obligation to any power, law or tribunal that conflicts with or is not sanctioned by their Church, by their President, who is now John Taylor---an old man of some eighty years, in hiding with others of his "Apostles" for crimes for which he has been indicted, and who will probably soon end a career blackened by deeds that make one shudder. His successor will, in "Church" order, be George Q. Cannon, who, also, for some year or more has been in hiding for like crimes, but was captured at a railroad station called Humbolt, Nevada, along the Central Pacific route, on Saturday evening, February 13th, 1886. He was disguised and trying to get out of the United States, probably to Mexico or Honduras. He was accompanied by other Mormon officials, among them D. H. Peery, Mayor of Ogden City; the same man who so constantly stood by Lorenzo Snow in his trials and became one of his bondsmen. It is probable that Peery was with Cannon only as friend and sentinel, but he was aiding a criminal to escape.

CHAPTER XXVIII.

A LAW UNTO THEMSELVES—THE END.

IT IS true that the leaders, the head men, in this giant scheme called a "Church," are the men chiefly responsible for the wrongs perpetrated, and of which we will speak presently. It is true that to their cunning, unscrupulousness, deceit and selfishness and falsehood the perpetuation and power of the Church, its marvellous growth and mighty influence are due. It is true that in some of the opinions professed, the masses---who are densely ignorant, of the lowest strata of foreign society, where no such thing as republican liberty is known---are sincere. It is true that many of these people---the masses and toilers of the Mormons---never heard of liberty and law, except the word or mandate of a despot or sovereign, until the Mormon "missionaries" told them of Zion, as they call Utah. That they have never heard of law, duty or allegiance since they came to America, except the law of the priesthood; their duty to obey that body and the allegiance due to its President, whom they are taught is God's immediate agent and supervisor of His affairs on earth. Still the writer maintains that all are criminals; the leaders greater criminals, of course, in the proportion that they have greater opportunities to know the right and choose to teach, to promulgate and to do the wrong.

Along with this general proposition there follows another. It is this: That the heads of the Church---President, High Priests and Apostles---not only know all about the perpetration of crimes of the higher class, but that they invariably order their commission, or sanction and ratify such commission; and no Mormon who has been regularly admitted into this "Church" by baptism and initiation into the secret and oath-bound ceremony of the Endowment House, and obeyed implicitly the orders of the hierarchy at headquarters, has ever yet been arraigned for any act that all the civilized world calls criminal or immoral, and convicted and cut off from the Church for such act. And yet it is true that all the crimes in the catalogue have been and are perpetrated by these "Saints," not the one-hundredth part of which is ever known outside the secret chambers of the oath-bound members. To this explanation nothing can give greater force than the following "official" extract from the record of the Second District Court of Utah Territory, dated 8:30 p. m. April 4, 1859:

This Court has sought diligently and faithfully to do its duty, to administer the laws of the United States and of this Territory. It could not have any other object. But at every turn it has had to encounter difficulties and embarrassments. Men high in authority in the Mormon Church as well as men holding civil authority under the Territorial Government seem to have conspired to obstruct the course of public justice and to cripple the efforts of the Court.

The whole community presents a united and organized opposition to the proper administration of justice. Every art and every expedient have been employed to cover up and conceal crimes committed by Mormons. Witnesses have been prevented by threats of violence from obeying the summons of this Court, others that have testified have been driven to seek safety in the protection of United States troops stationed near here, who, it is proper to say, are here at the requisition of the Court and for whose presence the Court is responsible. The absolute necessity of having these troops here has been fully demonstrated by all that has transpired during the session of Court. To crown all, the Grand Jury, sworn to perform a high public duty, has lent itself as a willing instrument to this organized opposition to the laws of the country and refused to meet its obligations.

A most willing inclination has been manifested to prosecute Indians and other persons not Mormons for their offenses, while Mormon murderers and thieves are allowed to go unpunished. This Court determined, as its action manifests, that it will not be used by this community for its protection alone, but that it will do justice to all, or it will do nothing. Not being able to do this the Court now adjourns without day. JOHN CRODLEBOUGH, Judge.

The history of the scores of trials, convictions and imprisonment of Mormon violators of law is familiar to all intelligent citizens of to-day. The vast volumes of testimony given by so-called wives are a living monument of the truth of the propositions with which this article began. All Mormons are criminals under the laws of this Republic, which have been pronounced constitutional by the Court of last resort.

In conclusion, it only remains to say that Lorenzo Snow is yet in the penitentiary, despite every effort that brains, money, false promises and political bargaining could make.

George Q. Cannon escaped, after capture, and is at large, a wandering indicted criminal. President John Taylor, God's vice-gerent on earth, is hid away in the underground recesses of this sin-cursed land and the work of polygamy and treason, at their direction, still goes on among the hundreds of thousands, while our Government temporizes with the crime, except a few isolated convictions by one or two Courts after prolonged delays.

Our story is told. The moral is for the reader. The evil is growing and hourly presents greater difficulties to vex and harass the statesmanship and patriotism of the country. With renewed assurances that in this writing the author has set down naught in malice nor refrained from the truth as in person he saw it, he commends the thoughtful consideration of the reader to the hydra-headed evil of which Lorenzo Snow is one of the most guilty practicers.